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# FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

# NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3651–3850

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorney acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 8, 1943.*

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## CEREAL PRODUCTS

### FLOUR AND CORN MEAL

**3651. Action to enjoin and restrain interstate shipment of adulterated flour. U. S. v. Gross Bros., Inc. Consent decree granting perpetual injunction.** (Inj. No. 32.)

On June 23, 1942, the United States attorney for the District of New Jersey filed a complaint against Gross Bros., Inc., a corporation, Hightstown, N. J., alleging that from on or about July 29, 1941, to the date of filing the complaint the defendant had been preparing, milling, and packing flour under insanitary conditions whereby it became contaminated and filthy and whereby it might have been rendered injurious to health. The complaint alleged further that the flour so packed was adulterated in that it consisted in whole or in part of a filthy substance which was unfit for food; that it was being offered for interstate shipment at various intervals from Hightstown, N. J., to various States within the United States of America; that the defendant had been warned to remedy the defects existing in its methods of operation and had been warned

not to ship adulterated products in violation of the law; and that, despite such warnings, the defendant, its employees, and agents failed to remedy the defects existing in its plant and was continuously manufacturing, milling, and packing adulterated flour and would continue to ship such flour in interstate commerce unless enjoined therefrom. The complaint alleged further that one purpose of the law, i. e., that of prohibiting the movement in interstate commerce of adulterated and misbranded food, would be frustrated unless an injunction was issued and prayed that after proper notice and hearing, a preliminary injunction issue and that after due proceedings, such preliminary injunction be made permanent.

On July 9, 1942, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and all persons acting upon its behalf from introducing or delivering for introduction in interstate commerce adulterated flour which had been manufactured by or in the future would be manufactured by the defendant.

**3652. Adulteration of rye graham flour. U. S. v. 52 Bags of Flour (and 3 additional seizure actions against flour). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7406, 7407, 7789, 7790. Sample Nos. 89190–E, 89191–E, 89654–E, 89655–E.)

This product contained rodent excreta, rodent hairs, and insect fragments.

On April 28 and June 19 and 22, 1942, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 186 bags of flour at New York and 10 bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about March 12 to on or about June 9, 1942, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 21, July 7, and August 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3653. Adulteration of gluten flour. U. S. v. 25 Bags of Gluten Four. Default decree of condemnation and destruction.** (F. D. C. No. 7443. Sample No. 84377–E.)

Samples of this product were found to contain rodent hairs.

On May 1, 1942, the United States attorney for the District of New Jersey filed a libel against 25 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 31, 1942, from Watertown, N. Y., by Farwell & Rhines Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Genuine Gluten Flour Criss-Cross Brand."

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3654. Adulteration of flour. U. S. v. 86 Bags and 48 Bags of Fiour. Default decree of condemnation and destruction.** (F. D. C. Nos. 6063, 6064. Sample Nos. 59687–E, 59689–E.)

This product had been stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents and contained rodent urine stains.

On or about October 27, 1941, the United States attorney for the Western District of Virginia filed a libel against 86 12-pound bags and 48 24-pound bags of flour at Grundy, Va., alleging that the article had been shipped in interstate commerce on or about April 8 and August 26, 1941, from St. Joseph, Mo., and Lawrenceburg, Ind., that it was in the warehouse of the Haysi Supply Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Top [or "Ruby Rose"] Flour Bleached."

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3655. Adulteration of rye graham flour. U. S. v. 20 Bags and 90 Bags of Rye Graham Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6040, 6041. Sample Nos. 74524–E, 74526–E.)

These products were contaminated with insect fragments and rodent hairs and excreta.

On October 21, 1941, the United States attorney for the Southern District of New York filed libels against 110 98-pound bags of rye graham flour at New

Errata Slip

Change in Drug Notices of Judgment Nos. 701-750

Index to Shippers and Manufacturers: Column 1, change *Green's Reliable Restorer* ..... 727 to *Green's Reliable Restorer* ..... 737.

York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 12 and 24, 1941, by A. Katz, Etra Mills from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 14, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3656. Adulteration of flour. U. S. v. 26 Bags of Flour. Consent decree ordering product released under bond to be denatured.** (F. D. C. No. 5789. Sample No. 57860–E.)

On or about September 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 26 bags of flour at Olean, Mo., alleging that the article had been shipped in interstate commerce on or about July 21 and August 28, 1941, by the Russell Milling Co. from Russell, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 17, 1942, the Olean Milling Co., Olean, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for denaturing under the supervision of the Food and Drug Administration and that it be disposed of for purposes other than human consumption.

**3657. Adulteration of flour. U. S. v. 22 Bags of Pastry Flour. Consent decree of condemnation. Product ordered released under bond for disposal in industrial use.** (F. D. C. No. 6979. Sample No. 84560–E.)

This product had been stored by the consignee under insanitary conditions. Every bag was rodent-gnawed in two or more places; rodent pellets and rodent urine were observed on some of the bags.

On or about March 5, 1942, the United States attorney for the District of Connecticut filed a libel against 22 98-pound bags of pastry flour at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about October 7 and November 19, 1941, by Sands, Taylor & Wood Co. from Boston, Mass.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On April 22, 1942, Henry Bresky & Sons, Bridgeport, Conn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of to a foundry for industrial use.

**3658. Adulteration of flour. U. S. v. 67 Bags and 28 Bags of Flour. Product ordered released under bond for denaturing.** (F. D. C. No. 5787. Sample No. 57858–E.)

On or about September 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 95 bags of flour at Olean, Mo., alleging that the article had been shipped in interstate commerce on or about November 15, 1940 and May 6, 1941, by Security Flour Mills Co. from Abilene, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part "24 Lbs. * * * Havasak Flour * * * Bleached."

On March 23, 1942, the Olean Milling Co., Olean, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration.

**3659. Adulteration of cake flour. U. S. v. 42 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 7411. Sample No. 71427–E.)

This product had been held under insanitary conditions after receipt in interstate commerce, and, when examined, many of the bags had been contaminated with rodent excreta.

On April 28, 1942, the United States attorney for the Southern District of Illinois filed a libel against 42 sacks of flour at Peoria, Ill., alleging that the article was in possession of Thomas & Clarke, that it had been shipped in interstate commerce, from Grand Rapids, Mich., on or about March 24, 1942; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Tags) "98 lbs. net Perfection Cake Flour."

On July 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3660. Adulteration of pastry flour. U. S. v. 207 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 6947. Sample No. 90313–E.)

On February 27, 1942, the United States attorney for the District of Massachusetts filed a libel against 207 bags of flour at Charlestown, Mass., alleging that the article had been shipped in interstate commerce on or about July 8, 1941, by Victor Flour Mills, Inc., from Pittsford, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pastry Flour Bleached Potter-Wrightington, Inc."

On April 2, 1942, Potter-Wrightington, Inc., Charlestown, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and relabeled under the supervision of the Food and Drug Administration so that it could not be disposed of for human consumption.

**3661. Adulteration of corn meal. U. S. v. 23 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 6861. Sample No. 70320–E.)

On February 16, 1942, the United States attorney for the Southern District of Florida filed a libel against 23 bags of corn meal at Tampa, Fla., alleging that the article had been transported in interstate commerce on or about January 26, 1942, by Robert A. Bailey from Quitman, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the article was labeled in part: "96 Lbs. * * * My-T Good Old Style Corn Meal Manufactured by West End Milling Co., Quitman, Ga." The remainder was unlabeled.

On March 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## BAKERY PRODUCTS

**3662. Adulteration of cookies. U. S. v. 31 Cases and 41 Cases of Cookies (and 2 other seizure actions against cookies). Decrees of condemnation and destruction.** (F. D. C. Nos. 7129, 7144, 7154. Sample Nos. 48412–E to 48415–E, incl., 70431–E, 70432–E, 70756–E, 70757–E.)

Examination showed that this product was contaminated with filth, such as hair fragments resembling rodent hairs and insect fragments.

On April 1, 7, and 15, 1942, the United States attorneys for the Northern District of Georgia and the Eastern District of North Carolina filed libels against 72 cases and 576 dozen packages of cookies at Griffin, Ga., and 1,148 boxes of cookies at Fort Bragg, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about January 3 to on or about March 21, 1942, by J. B. Carr Biscuit Co. from Greenwood, S. C., and Wilkes-Barre, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "J. B. Carr Evergood Cream Sandwich"; "Carr's Boston Cream Sandwich [or "Lemon Snaps," "Feaston Ginger Snaps," or "Dixie Vanilla Wafers"]"; "Vanilla Wafers"; or "Fig Bars."

On May 1, 1942, no claimant having appeared for the product seized at Griffin, Ga., and on July 10, 1942, J. B. Carr Biscuit Co., claimant for the cookies seized at Fort Bragg, N. C., having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

**3663. Adulteration of cakes. U. S. v. Southern Biscuit Co. Plea of guilty. Fine, $200.** (F. D. C. No. 6436. Sample Nos. 87334–E, 87358–E, 87833–E, 87835–E, 87836–E.)

Examination showed that these products contained rodent hairs and insect fragments.

On July 23, 1942, the United States attorney for the Eastern District of Virginia filed an information against Southern Biscuit Co. Inc., Richmond, Va., alleging shipment within the period from on or about December 31, 1941, to on or about February 19, 1942, from the State of Virginia into the State of North Carolina of quantities of cakes which were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. They were labeled in part: "FFV Famous Foods of Virginia," "Victor Ginger Snaps," "Cheese Crinklets," or "Dixie Ginger Snaps."

On August 12, 1942, the defendant entered a plea of guilty and the court imposed a fine of $50 on each of 4 counts, totaling $200.

**3664. Adulteration of cookies. U. S. v. 260 Cases of Cookies. Default decree of condemnation and destruction.** (F. D. C. No. 6648. Sample No. 85583–E.)

Examination of this product showed that some of the cookies contained areas covered with small fibers suggesting lint and nondescript dirt. Investigation at the warehouse where it was stored showed that the cookies were in flimsy cartons, some of which had been broken open. Many of the exposed cookies were more or less covered with dust similar to that which covered the tops of the cartons in the top layer of the stock.

On January 7, 1942, the United States attorney for the Western District of Washington filed a libel against 260 cases of cookies at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 27, 1941, from Salamanca, N. Y., by George Weston, Ltd.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Weston's English Quality Biscuits."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3665. Adulteration and misbranding of cheese sandwiches. U. S. v. 18⅔ Dozen Boxes of Cheese Sandwiches. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 7488. Sample No. 89752–E.)

This product consisted of sandwiches with filling which was essentially 50 percent cheeese, 25 percent cornstarch, and 25 percent of an edible oil other than butterfat. The filling also contained some added coal-tar color which gave it the appearance of containing more cheese than was the case. Furthermore, the net weight was not accurately declared.

On May 12, 1942, the United States attorney for the Southern District of New York filed a libel against 18⅔ dozen boxes of cheese sandwiches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15 and 23, 1942, by the Devonsheer Melba Corporation from West New York, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Macy's Lily White Melba Toast Cheese Sandwiches Packed Expressly for R. H. Macy & Co. Inc., New York."

The article was alleged to be adulterated (1) in that a valuable constituent, namely, cheese had been in whole or in part omitted; (2) in that a Melba Toast Sandwich containing a filling of cheese, edible oil other than butterfat, cornstarch, and artificial coloring had been substituted wholly or in part for Melba Toast Cheese Sandwiches; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible oil other than butterfat, color, and cornstarch had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Melba Toast Cheese Sandwiches" was false and misleading; (2) in that the statement "Net Weight 4 Oz." was false and misleading as applied to an article which weighed 7 ounces; (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On June 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

## CHICKEN NOODLE DINNER

**3666. Misbranding of chicken noodle dinner. U. S. v. 96 Cases of Chicken Noodle Dinner. Consent decree of condemnation. Product ordered released under bond to be converted into other food products.** (F. D. C. No. 6234. Sample No. 79869–E.)

The name of this product would indicate that it contained more chicken meat than was the case, the ingredients statement would imply that it contained more than one or two small pieces of mushroom, and it was deceptively packaged in that the chicken meat was used to "face" the jar.

On November 18, 1941, the United States attorney for the Southern District of Ohio filed a libel against 96 cases, each containing 12 1-pound jars, of chicken noodle dinner at Cincinnati, Ohio, which had been shipped on or about October 10 and 21, 1941, alleging that the article had been shipped in interstate commerce by Morton Packing Co., Inc., from Louisville, Ky.; and charging that it was

misbranded. It was labeled in part: (Jars) "Morton's Southern Style Chicken Noodle Dinner Ingredients: Egg Noodles, Chicken Broth, Chicken, Mushrooms, Peppers, Spices, and Seasoning. All Meat Visible."

The article was alleged to be misbranded (1) in that the name "Chicken Noodle Dinner" was false and misleading as applied to an article consisting largely of noodles with only 7 percent of chicken meat; (2) in that the word "Mushrooms" in the statement of ingredients was false and misleading because this declaration, as it appeared in the ingredient statement, implied the presence of more than one or two small mushroom pieces per jar; and (3) in that its container was so filled as to be misleading, since the chicken meat was used to face the jar.

On March 5, 1942, Morton Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into other food products under the supervision of the Food and Drug Administration. Subsequently it was converted into soup, repackaged, and relabeled.

## FEED

**3667. Misbranding of cottonseed cake and meal. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, $100.** (F. D. C. No. 6399. Sample No. 18495-E.)

This product contained less protein than the percentage declared on the label.

On March 19, 1942, the United States attorney for the Western District of Oklahoma filed an information against the Terminal Oil Mill Co., a corporation, at Oklahoma City, Okla., alleging that on or about October 16, 1940, the defendant delivered at Oklahoma City for introduction into interstate commerce from the State of Oklahoma into the State of Kansas a quantity of cottonseed screenings that were misbranded.

The information alleged further that the defendant on or about May 7, 1940, had given to the purchaser of the cottonseed screenings a guaranty against mislabeling or misrepresenting of all cottonseed products; that the cottonseed screenings delivered for introduction into interstate commerce as aforesaid had been sold and delivered by the defendant while the guaranty was in full force and effect; that the purchaser had introduced the article into interstate commerce on or about October 16, 1940; and that by reason thereof the defendant had unlawfully given a guaranty that was false since the article when so delivered for introduction and when introduced into interstate commerce was misbranded. It was labeled in part: "Big Chief Prime Cotton Seed Cake or Meal."

Misbranding was alleged in that the statement "Protein, not less than 43.00%," borne on the tag, was false and misleading since the article contained less than 43 percent of protein, namely, not more than 38.13 percent.

On April 7, 1942, a plea of guilty having been entered by the defendant, the court imposed a fine of $100.

**3668. Misbranding of cottonseed cake and meal. U. S. v. Choctaw Cotton Oil Co. (Shawnee Cotton Oil Mill). Plea of guilty. Fine, $25 and costs.** (F. D. C. No. 6498. Sample No. 25380-E.)

This product contained less protein than the amount declared.

On July 23, 1942, the United States attorney for the Northern District of Oklahoma filed an information against the Choctaw Cotton Oil Co., a corporation trading as Shawnee Cotton Oil Mill, Shawnee, Okla., alleging shipment on or about June 17, 1941, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed screenings that were misbranded in that the statement on the tag, "Protein, not less than 43 percent," was false and misleading since they contained not more than 41.25 percent of protein. The article was labeled in part: "Red Seal Brand Cotton Seed Cake and Meal."

On July 29, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $25 and costs.

**3669. Misbranding of cottonseed cake and meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, $100.** (F. D. C. No. 5554. Sample No. 25368-E.)

Analysis showed that this product was deficient in crude protein.

On April 9, 1942, the United States attorney for the Northern District of Texas filed an information against Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment on or about February 18, 1941, from the State of Texas into the State of Oklahoma of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "Southland's Cottonseed Cake and Meal."

It was alleged to be misbranded in that the statement on the tag, "Guaranteed Analysis Crude Protein, not less than 43%," was false and misleading since it represented that it contained not less than 43 percent of crude protein; whereas it contained not more than 40.69 percent of crude protein.

On July 11, 1942, a plea of guilty having been entered by the defendant, the court imposed a fine of $100.

**3670. Misbranding of condensed buttermilk. U. S. v. The Merchants Creamery Co., Inc. Plea of guilty. Fine, $200.** (F. D. C. No. 7224. Sample No. 18442–E.)

This product was deficient in total solids and protein.

On July 31, 1942, the United States attorney for the Southern District of Ohio filed an information against Merchants Creamery Co., Inc., Cincinnati, Ohio, alleging shipment on or about October 12, 1941, from the State of Ohio into the State of Indiana, of a quantity of condensed buttermilk that was misbranded. The article was labeled in part: "Blue Ribbon Condensed Buttermilk Registered by Merchants Creamery Company, Inc. * * * Crude protein, not less than 10.0%."

It was alleged to be misbranded in that the statements on the tags, "Condensed Buttermilk" and "Crude protein, not less than 10.0%," were false and misleading since they represented and suggested that it consisted of condensed buttermilk, a food which, in accordance with established trade practice, should contain not less than 27 percent of total solids, and that it contained not less than 10 percent of crude protein; whereas it was not condensed buttermilk but was a product containing not more than 20.7 percent of total solids and not more than 8.91 percent of crude protein.

On August 7, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

**3671. Misbranding of dairy feed. U. S. v. 64 Bags of Feed. Product ordered released under bond for relabeling.** (F. D. C. No. 6918. Sample Nos. 17421–E, 17422–E.)

On or about March 9, 1942, the United States attorney for the Western District of Virginia filed a libel against 64 bags of feed at Vansant, Va., alleging that the article had been shipped in interstate commerce on or about January 30, 1942, by Gwinn Bros. & Co. from Huntington, W. Va.; and charging that it was misbranded. The article was labeled in part: "Merit 16% Dairy" or "Grade A Dairy Feed."

It was alleged to be misbranded in that the statements, (19 bags) "Protein 16%" and (45 bags) "Protein 24%," borne on the tags, were false and misleading as applied to articles which contained 13.5 percent and 20.31 percent, respectively, of protein.

On May 12, 1942, Gwinn Bros. & Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

## VITAMIN PREPARATIONS

**3672. Adulteration and misbranding of Farm Master Vitamin D Mix. U. S. v. 175 Packages of Farm Master Vitamin D Mix. Default decree of condemnation and destruction.** (F. D. C. No. 6892. Sample No. 76499–E.)

This product contained not more than 50 A. O. A. C. chick units of vitamin D per gram.

On February 19, 1942, the United States attorney for the District of Minnesota filed a libel against 175 5-pound packages of the above-named product at Minneapolis, Minn., alleging that it had been shipped in interstate commerce on or about August 28, September 16, and October 7, 1941, by the Borden Co., from Elgin, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the following statements in the labeling were false: "Contains 85 AOAC chick units of vitamin D per gram * * * This is to certify that this vitamin D mix contains 85 AOAC chick units of vitamin D per gram."

On July 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3673. Misbranding of Marden's Vitamin A & D Feeding Oil. U. S. v. 59 Drums of Marden's Vitamin A & D Feeding Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 7167. Sample No. 86613–E.)

This product was represented to contain 400 A. O. A. C. chick units of vitamin D per gram, whereas it contained not more than 320 A. O. A. C. chick units of vitamin D per gram.

On April 13, 1942, the United States attorney for the Northern District of Illinois filed a libel, which was amended May 14, 1942, against the above-named product at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 29, 1941, by the Marden-Wild Corporation from Somerville, Mass.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was offered for sale under the name of another food, namely, (stenciled on drum) "Marden's Vitamin A & D Feeding Oil guaranteed to contain not less than 400 A. O. A. C. units of Vitamin D per gram and not less than 2000 U. S. P. units of Vitamin A per gram"; and (2) in that the statement on the drum, "Contains not less than 400 A. O. A. C. units of Vitamin D per gram," was false and misleading since it contained not more than 320 A. O. A. C. chick units of vitamin D per gram.

On May 1, 1942, Marden-Wild Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3674. Adulteration and misbranding of Vitand. U. S. v. 8 Drums of Vitand Vitamin Oil for Poultry and Animal Feeds. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 7160. Sample No. 76633–E.)

This product was represented to contain 400 A. O. A. C. chick units of vitamin D per gram but contained not more than 300 A. O. A. C. chick units of vitamin D per gram.

On April 8, 1942, the United States attorney for the District of Minnesota filed a libel against 8 drums of the above-named product at Minneapolis, Minn., alleging that it had been shipped on or about September 29, 1941, by Napthole, Inc., from Boonton, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement "Vitamin D 400 A. O. A. C. units per gram," borne on the drums, was false as applied to a product that contained not more than 300 A. O. A. C. units of vitamin D per gram.

On May 19, 1942, E. F. Drew & Co., Inc. (Napthole Division), claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

**3675. Adulteration and misbranding of butter. U. S. v. John H. Armleder (Armleder Dairy Co.). Plea of guilty. Fine, $20.** (F. D. C. No. 6427. Sample No. 79126–E.)

This product was short weight as well as low in milk fat.

On July 22, 1942, the United States attorney for the Southern District of Ohio filed an information against John H. Armleder, trading as Armleder Dairy Co. at Batavia, Ohio, alleging shipment on or about October 13, 1941, from the State of Ohio into the State of Kentucky of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Package) "One Pound Net Armleder's Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement on the package, "One Pound Net," was false and misleading since the packages contained a smaller amount; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 3, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $20.

**3676. Adulteration of butter. U. S. v. Blackfoot Creamery Co., Inc. Plea of guilty. Fine, $30.** (F. D. C. No. 7259. Sample No. 65179–E.)

On July 1, 1942, the United States attorney for the District of Idaho filed an information against Blackfoot Creamery Co., Inc., Blackfoot, Idaho, alleging shipment on or about July 15 and 30, 1941, from the State of Idaho into the State of Wyoming, of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part "Velvet Butter."

On July 7, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $30.

**3677. Adulteration of butter. U. S. v. John Walker Greer (Blue Bonnet Creamery). Plea of guilty. Fine, $25.** (F. D. C. No. 7206. Sample No. 53290–E.)

On June 4, 1942, the United States attorney for the Northern District of Texas filed an information against John Walker Greer, trading as Blue Bonnet Creamery at Perryton, Tex., alleging shipment on or about August 29, 1941, from the State of Texas into the State of California of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 10, 1942, the defendant entered a plea of guilty and the court imposed a fine of $25.

**3678. Adulteration of butter. U. S. v. Hans H. Jensen (Brewster Creamery). Plea of guilty. Fines, $40.** (F D. C. No. 6477. Sample Nos. 46960–E, 56977–E, 74808–E.)

On June 9, 1942, the United States attorney for the District of Minnesota filed an information against Hans H. Jensen, trading as Brewster Creamery at Brewster, Minn., alleging shipment on or about June 3, September 27, and October 1. 1941, from the State of Minnesota into the State of New York of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Lewis Ebert & Sons, Inc. Distributors, New York, N. Y."

On June 9, 1942, the defendant entered a plea of guilty and the court imposed fines totaling $40.

**3679. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Association. Plea of guilty. Fine, $50.** (F. D. C. No. 7214. Sample No. 56979–E.)

On June 1, 1942, the United States attorney for the District of Minnesota filed an information against Farmers Cooperative Creamery Association, a corporation at Lake Benton, Minn., alleging shipment on or about September 29, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Minnesota Brand Fancy Creamery 92 Points or Better." * * * Distributed by Gude & Cole, Inc. 610 Newark, N. J."

On June 1, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

**3680. Adulteration of butter. U. S. v. Jess Burr Gartin (Gartin Creamery). Plea of guilty. Fine, $50.** (F. D. C. No. 5541. Sample No. 47173–E.)

On February 24, 1942, the United States attorney for the District of Nebraska filed an information against Jess Burr Gartin, trading as Gartin Creamery, Franklin, Nebr., alleging shipment on or about March 31, 1941, from the State of Nebraska into the State of Illinois of a quantity of butter which was adulterated in that a valuable constituent, namely, milk fat, had been in part omitted therefrom and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Peter Fox Sons Co. Distributors Chicago, Ill."

On June 23, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.

**3681. Adulteration of butter. U. S. v. Hollywood Creamery Co. Plea of guilty. Fine, $100.** (F. D. C. No. 6481. Sample Nos. 65306–E, 65459–E.)

On May 5, 1942, the United States attorney for the District of Colorado filed an information against the Hollywood Creamery Co., a corporation, Colorado Springs, Colo., alleging that on or about July 6, 1939, the defendant gave to Armour & Co. a guaranty that all food products delivered by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about July 30 and August 6, 1941, the defendant sold and delivered quantities of butter to Armour & Co. which on or about the same dates was delivered by the purchaser for introduction into interstate commerce from Colorado into the State of Wyoming. The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the butter so sold and delivered was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 28, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 on each of the two counts.

**3682. Adulteration of butter. U. S. v. Nicholas B. Bierschbach (Nick's Produce Co.). Plea of guilty. Fine, $50.** (F. D. C. No. 6499. Sample No. 56982–E.)

On May 7, 1942, the United States attorney for the District of South Dakota filed an information against Nicholas B. Bierschbach, trading as Nick's Produce Co. at Lemmon, S. Dak., alleging shipment on or about October 5, 1941 from the State of South Dakota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent of weight of milk fat had been substituted for butter.

On June 2, 1942, the defendant entered a plea of guilty and the court imposed a fine of $50.

**3683. Adulteration of butter. U. S. v. Omaha Cold Storage Co. Plea of nolo contendere. Fine, $100.** (F. D. C. No. 6442. Sample No. 56941–E.)

On April 4, 1942, the United States attorney for the District of Nebraska filed an information against Omaha Cold Stoarge Co., a corporation at Omaha, Nebr., alleging shipment on or about August 1, 1941, from the State of Nebraska into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Douglas Brand Unsalted Butter."

On June 2, 1942, a plea of nolo contendere was entered and the court assessed a fine of $100 and costs.

**3684. Adulteration of butter. U. S. v. David J. M. Park (David Park Co.). Plea of guilty. Fine, $30.** (F. D. C. No. 6470. Sample No. 74550–E.)

On May 19, 1942, the United States attorney for the District of Minnesota filed an information against David J. M. Park, trading as David Park Co. at Bemidji, Minn., alleging shipment on or about October 9, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributors Zenith-Godley Co. N. Y."

On May 19, 1942, the defendant entered a plea of guilty and the court imposed a fine of $30.

**3685. Adulteration of butter. U. S. v. George I. Southard and (Mrs.) Emma Southard (Pickwick Creamery). Plea of guilty. (Mrs.) Emma Southard fined $15; George I. Southard sentenced to 20 days in jail.** (F. D. C. No. 5549. Sample No. 40665–E.)

On January 27, 1942, the United States attorney for the District of Minnesota filed an information against George I. Southard and (Mrs.) Emma Southard, copartners, trading as Pickwick Creamery, La Moille, Minn., alleging shipment on or about May 6, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted

for butter. The article was labeled in part: "Butter One Pound Net Frank Hellerick Co., Inc., Phila., Pa., Wholesale Distributors."

On June 16, 1942, the defendants having entered pleas of guilty, the court imposed a fine of $15 against (Mrs.) Emma Southard, and sentenced George I. Southard to 20 days in jail.

**3686. Adulteration of butter. U. S. v. St. Clair Cooperative Creamery Association. Plea of guilty. Fine, $30.** (F. D. C. No. 6410. Sample No. 40913–E.)

On April 27, 1942, the United States attorney for the District of Minnesota filed an information against St. Clair Cooperative Creamery Association, a corporation at St. Clair, Minn., alleging delivery for introduction in interstate commerce on or about June 18, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by C G Heyd & Co. * * * Phila. Pa."

On April 27, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $30.

**3687. Adulteration of butter. U. S. v. David E. Glatt and Charles Taylor (Sni-A-Bar Creamery Co.). Pleas of guilty. Fines totaling $20.** (F. D. C. No. 7202. Sample No. 73295–E.)

On May 19, 1942, the United States attorney for the Western District of Missouri filed an information against David E. Glatt and Charles Taylor, copartners, trading as Sni-A-Bar Creamery Co. at Independence, Mo., alleging shipment on or about November 13, 1941, from the State of Missouri into the State of Kansas of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Wrappers) "Daisy Maid Brand Creamery Butter. * * * The Cudahy Packing Co., Distributors * * * Chicago, Ill."

On June 25, 1942, pleas of guilty having been entered, the court imposed a fine of $10 upon each defendant.

**3688. Adulteration and misbranding of butter. U. S. v. Swisher Creamery. Plea of guilty. Fine, $25.** (F. D. C. No. 6437. Sample Nos. 22904–E, 22906–E, 22908–E, 22909–E, 22912–E, 22913–E, 22914–E, 22916–E, 72113–E, 72117–E, 53574–E.)

This product was deficient in milk fat with the exception of one lot, which was short weight.

On April 30, 1942, the United States attorney for the Northern District of Texas filed an information against Swisher Creamery, a corporation at Tulia, Tex., alleging shipment within the period from on or about May 24 to October 17, 1941, from the State of Texas into the States of California and Arizona of 6 shipments of butter, of which 5 were adulterated and the remaining lot was misbranded. A portion of the article was in prints labeled in part: (Cartons) "Rainbow Butter * * * One Pound Net Distributed by Dickey-Davis Co. Phoenix, Arizona * * * Churned By Swisher Creamery, Inc."

The article with the exception of the print butter, was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The print butter was alleged to be misbranded in that the statement "One Pound Net," appearing on the cartons, was false and misleading since the cartons contained less than 1 pound of butter; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents in terms of weight.

On June 8, 1942, the defendant entered a plea of guilty and the court imposed a fine of $25.

**3689. Adulteration of butter. U. S. v. Turtle Lake Cooperative Creamery Association. Plea of guilty. Fine, $50.** (F. D. C. No. 6474. Sample No. 74547–E.)

One May 7, 1942, the United States attorney for the Western District of Wisconsin filed an information against Turtle Lake Cooperative Creamery Association, a corporation at Turtle Lake, Wis., alleging shipment on or about October 6, 1941, from the State of Wisconsin into the State of New Jersey of a

quantity of butter that was adulterated in that a valuable constituent milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter—June Dairy Products Co., Inc. Distributors Jersey City, N. J."

On June 2, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

**3690. Adulteration of butter. U. S. v. Wayne O. Stevenson (Valentine Creamery Co.). Plea of guilty. Fine, $25.** (F. D. C. No. 6495. Sample Nos. 62236–E, 62239–E.)

On May 20, 1942, the United States attorney for the District of Nebraska filed an information against Wayne O. Stevenson, trading as Valentine Creamery Co. at Valentine, Nebr., alleging shipment on or about June 15 and 23, 1941, from the State of Nebraska into the State of Illinois of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted thereform; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter L. D. Schreiber & Co., Inc. Distributors."

On June 27, 1942, the defendant entered a plea of guilty and the court imposed a fine of $25 and costs.

**3691. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7553. Sample No. 76984–E.)

On May 18, 1942, the United States attorney for the Southern District of New York filed a libel against 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 6, 1942, by the Becker Creamery from Becker, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Fortgang Bros. 6586 N. Y. * * * Butter."

On June 1, 1942 Fortgang Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**3692. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reprocessed.** (F. D. C. No. 6793. Sample No. 62384–E.)

On December 23, 1941, the United States attorney for the Northern District of Illinois filed a libel against 14 62-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 11, 1941, by the Blue River Creamery Co. from Hastings, Nebr.; and charging that it was adulterated. It was labeled in part: "L D Schreiber Inc Distributors Chicago Illinois Net Wt 62 Lbs."

The article was alleged to be adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 15, 1942, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed so that it might be sold without violation of the law, either State or Federal.

**3693. Adulteration of butter. U. S. v. 14 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6145. Sample No. 74549–E.)

On October 22, 1941, the United States attorney for the Southern District of New York filed a libel against 14 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 10, 1941, by the Drayton Creamery from Drayton, N. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "J. R. Kramer, Inc. 2540 New York."

On November 3, 1941, the Drayton Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked, under the supervision of the Food and Drug Administration, so that it contain at least 80 percent of butterfat.

**3694. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 6223. Sample No. 76080–E.)

On November 4, 1941, the United States attorney for the District of Minnesota filed a libel against 14 boxes, each containing 66 pounds, of butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 28, 1941, by Eureka Creamery from Eureka, S. Dak.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. The article was labeled in part: "N. D. P. Packed for National Butter Co. Dubuque, Iowa."

On March 2, 1942, the Eureka Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned to comply with the law.

**3695. Adulteration of butter. U. S. v. 74 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6905. Sample No. 62398–E.)

On February 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 74 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 17, 1942, by O. G. Harp Poultry & Egg. Co. from Shawnee, Okla.; and charging that it was adulterated. It was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors."

The article was alleged to be adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 27, 1942, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**3696. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 7612. Sample No. 92058–E.)

On May 5, 1942, the United States attorney for the Southern District of California filed a libel against 5 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 24, 1942. by the Hereford Creamery Co. from Hereford, Tex.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Cream-O-Plains Butter."

On May 12, 1942, the Hereford Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

**3697. Adulteration of butter. U. S. v. 22 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 7432. Sample No. 86948–E.)

On April 23, 1942, the United States attorney for the Northern District of Ohio filed a libel against 22 boxes of butter at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about April 13, 1942, by L. D. Schreiber & Co., Inc., from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 13, 1942, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**3698. Adulteration of butter. U. S. v. 4 Cases and 5 Cases of Butter (and 2 other seizure actions against butter). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7377, 7981, 8020. Sample Nos. 78968–E to 78970–E, incl., 84578–E, 22403–F.)

On April 4, June 29, and July 13, 1942, the United States attorneys for the Northern District of New York and the Eastern and Western Districts of Pennsylvania filed libels against 4 cases each containing 30 1-pound rolls of

butter at Albany, and 5 cases each containing 30 1-pound rolls of butter at Schenectady, N. Y., and 326 pounds of butter at Allentown, and 303 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 21 to on or about July 2, 1942, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Sunshine Valley Brand Butter," or "Clover Springs Brand Butter."

On June 12 and August 3 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## CHEESE

**3699. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, $500.** (F D. C. No. 4174. Sample No. 34217–E.)

This product was domestic Swiss type cheese falsely labeled as "Switzerland" cheese.

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against June Dairy Products Co., Inc., Jersey City, N. J., alleging that on or about September 27, 1940, the defendant, with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from the State of New Jersey into the State of New York, a quantity of cheese which was misbranded. The word "Switzerland" was multiply stamped on both the top and bottom rinds of the article, which was invoiced as "Fancy Swiss" and was shipped in response to an order for "Switzerland Cheese."

The article was alleged to be misbranded in that the word "Switzerland" multiply stamped on its was false and misleading since it represented that the article consisted of cheese which had been produced in Switzerland; whereas it did not consist of cheese which had been produced in Switzerland. It was alleged to be misbranded further in that cheese not produced in Switzerland but bearing labeling simulating the labeling stamped upon cheese produced in Switzerland had been offered for sale under the name of another food, i. e., "Switzerland Cheese."

On January 12, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $500.

**3700. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc., Murray B. Weil, and Sidney Koch. Pleas of guilty. Fine of $500 imposed on corporation and $1,000 on each of the individual defendants.** (F. D. C. No. 4174. Sample Nos. 34218–E, 34912–E.)

This product was domestic Swiss type cheese falsely labeled "Imported Swiss."

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against the June Dairy Products Co., Inc., having places of business at Jersey City and Newark, N. J., and Murray B. Weil and Sidney Koch, alleging that within the period from on or about September 25 to on or about October 5, 1940, the defendants relabeled a quantity of domestic Swiss cheese by stamping on the rind the words "Imported Swiss"; that the said domestic Swiss cheese had been shipped in interstate commerce from Thorp, Wis., on or about September 18, 1940; that the relabeling had been performed while the cheese was held for sale after such shipment in interstate commerce; and that by the act of relabeling the article the defendants did, with intent to defraud and mislead, commit an act, and caused to be committed an act, while the article was held for sale after shipment in interstate commerce, which resulted in its being misbranded as follows: (1) in that the statement "Imported Swiss" stamped on the rind was false and misleading since it represented that the article was imported Swiss cheese, whereas it consisted of domestic Swiss cheese; and (2) in that a domestic Swiss cheese had been offered for sale under the name of another food, namely, "Imported Swiss Cheese."

On January 12, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $500 against the corporation and $1,000 against each of the individual defendants.

**3701. Adulteration and misbranding of Cheddar cheese. U. S. v. Kadane Creamery Co. and Sheffie A. Kadane. Pleas of guilty. Fines, $100.** (F. D. C. No. 6459. Sample No. 49612–E.)

This product was higher in moisture and its solids contained less milk fat than required by the definition and standard of identity for Cheddar cheese.

On May 23, 1942, the United States attorney for the Northern District of Texas filed an information against Kadane Creamery Co., Dallas, Tex., and Sheffie A. Kadane, alleging shipment on or about May 19, 1941, from the State of Texas into the State of Louisiana of a quantity of Cheddar cheese which was adulterated and misbranded. It was labeled in part: "Armour's Cloverbloom American Cheddar Cheese Armour Creameries. Distributors. Genl Office Chicago, Ill."

The article was alleged to be adulterated in that a product containing moisture in excess of 39 percent and the solids of which contained less than 50 percent of milk fat, had been substituted for Cheddar cheese, a product which should contain not more than 39 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

It was alleged to be misbranded in that it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations, as provided by law, but it failed to conform to such definition and standard.

On July 6, 1942, a plea of guilty having been entered, the court imposed a fine of $50 against each defendant, totaling $100.

**3702. Adulteration of Limburger cheese. U. S. v. Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty (Town Hall Cheese Co.). Plea of guilty. Fine, $25.** (F. D. C. No. 5476. Sample No. 31783–E.)

This product contained larvae, adult insects, and fragments of insects.

On November 19, 1941, the United States attorney for the Western District of Wisconsin filed an information against Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty, copartners trading as Town Hall Cheese Co., Monticello, Wis., alleging that on or about May 31, 1939, the defendants gave to the Badger Brodhead Cheese Co. of Monroe, Wis., a guaranty that all cheese thereafter shipped or delivered by the defendant to that company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about August 30, 1940, the defendants sold and delivered to the Badger Brodhead Cheese Co. a number of cases of cheese; and that on or about September 19, 1940, the said cheese was introduced into interstate commerce by the purchaser from the State of Wisconsin into the State of Illinois. The information charged further that the defendants had given a guaranty which was false within the meaning of the law since the cheese when sold and delivered by the defendant and introduced into interstate commerce was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On March 20, 1942, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of $25.

**3703. Adulteration of Cheddar cheese. U. S. v. 225 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond for use as hog feed.** (F. D. C. No. 6853. Sample No. 79169–E.)

On February 11, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 225 75-pound boxes of cheese at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Alabama Dairy Products, Inc., from Decatur, Ala.; and charging that it was adulterated (1) in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food; and (2) in that it had been prepared, packed, or held under insanitary conditions whereby it might have been contaminated with filth.

On April 10, 1942, Alabama Dairy Products, Inc., claimant, having petitioned for release of the product, judgment of condemnation was entered and the product was ordered released under bond for use as hog feed under the supervision of the State Chemist and State Dairy Commissioner of Tennessee.

**3704. Adulteration of Cheddar cheese. U. S. v. 99 Cases of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 6852. Sample No. 83701–E.)

This product contained rodent hairs and insect fragments.

On February 11, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 99 cases of cheese at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January

5, 1942, by the Devine Creamery from Devine, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Clearbrook."

On June 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3705. Adulteration of cheese. U. S. v. 408 Cartons of Cheese. Decree of condemnation with provision for segregation of fit from the unfit and release of former.** (F. D. C. No. 6207. Sample No. 53581–E.)

This product contained rodent hairs and insect fragments.

On November 12, 1941, the United States attorney for the Southern District of California filed a libel against 408 cartons of cheese at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Kraft Phenix Cheese Co. from Portales, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Elkhorn Brand Whole Milk Cheese."

On February 5, 1942, the Plains Cooperative, Inc., claimant and owner, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that while the product was still in possession of the United States marshal, the fit portion be separated from the unfit under the supervision of the Food and Drug Administration; it was ordered further that the fit portion be released to the claimant and that the unfit be disposed of as directed by the Food and Drug Administration.

**3706. Adulteration and misbranding of cheese. U. S. v. 19 and 26 Longhorn Cheeses. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7344, 7404. Sample Nos. 80067–E, 80074–E.)

This product was contaminated with rodent hairs; and one shipment was deficient in milk fat.

On April 15 and 27, 1942, the United States attorney for the Southern District of Ohio filed libels against 45 longhorn cheeses at Cincinnati, Ohio, which had been consigned on or about March 30 and April 20, 1942, alleging that the article had been shipped in interstate commerce by the Kyle Creamery Association from Aurora, Ind.; and charging that it was adulterated and that a portion was also misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth. A portion was alleged to be adulterated further in that a product deficient in milk fat had been substituted wholly or in part for longhorn whole milk cheese, which it purported to be.

The said portion was alleged to be misbranded in that it purported to be cheese, a food for which a definition and standard of identity had been designated by regulations as prescribed by law, but it failed to conform to such definition and standard because its solids contained less than 50 percent of milk fat.

On May 21 and June 11, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3707. Adulteration of Cheddar cheese. U. S. v. 31 Cheddars. Default decree of condemnation and destruction.** (F. D. C. No. 7462. Sample No. 73060–E.)

This product contained hair fragments resembling rodent hairs, miscellaneous dirt, and fragments of a substance resembling paint.

On May 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 31 Cheddar cheeses at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Osage Milk Products Co. from Osage City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3708. Adulteration of Cheddar cheese. U. S. v. 98 Boxes of Cheddar Cheese. Consent decree of condemnation with respect to portion. Product ordered released under bond for segregation and destruction of condemned portion.** (F. D. C. No. 5979. Sample No. 65786–E.)

This product contained maggots and insect fragments.

On October 4, 1941, the United States attorney for the District of Idaho filed a libel against 98 boxes of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about August 18, 1941, by the South Ridge Dairymen's Cooperative Association from Randolph, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, the South Ridge Creamery Cooperative Association, claimant, having admitted the allegations of the libel with respect to certain coded lots, judgment was entered ordering that said lots be condemned and that all of the product be released under bond for segregation and destruction of the condemned portion.

**3709. Adulteration of Cheddar cheese. U. S. v. 15 Cheeses and 86 Cheeses. Default decrees of destruction.** (F. D. C. Nos. 7439, 7440. Sample No. 79676–E.)

Examination showed that this product contained rodent hairs.

On May 1 and 4, 1942, the United States attorneys for the Middle District of Tennessee and the Western District of North Carolina filed libels against 15 cheeses at Nashville, Tenn., and 86 cheeses at Gastonia, N. C., alleging that the article had been shipped in interstate commerce on or about April 11 and 21, 1942, by Swift & Co. from Vincennes, Ind., and Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the article was alleged to be adulterated further in that it had been prepared, packed, or held under insanitary conditions whereby it might have been contaminated with filth and whereby it might have been rendered injurious to health. The remainder was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth.

On June 20 and July 30, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3710. Adulteration of Cheddar cheese. U. S. v. 149 Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 6545. Sample No. 38391–E.)

This product contained house flies and fragments, insects and insect fragments, and other filth.

On December 18, 1941, the United States attorney for the Northern District of Iowa filed a libel against 149 boxes of Cheddar cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about October 29 and November 11, 1941, by the Granada Cheese Factory from Granada, Minn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On January 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3711. Adulteration of cheese. U. S. v. 16 Loaves of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 7330. Sample No. 89395–E.)

This product contained insect larvae and cheese mites.

On April 14, 1942, the United States attorney for the Southern District of New York filed a libel against 16 unlabeled loaves of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 29, 1942, by La Marca's Dairy Co. from Easton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3712. Misbranding of pimiento cheese spread. U. S. v. 150 Bundles of Chee-Zee Pimiento Spread. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6608. Sample No. 78012–E.)

Examination showed that this product contained more moisture and less butterfat than the amounts declared on the label.

On December 26, 1941, the United States attorney for the Western District of New York filed a libel against 150 bundles, each containing 10 2-pound boxes, of pimiento spread at Jamestown, N. Y., alleging that the article had been shipped in interstate commerce on or about December 9, 1941, by Clearfield Cheese Co. from Curwensville, Pa.; and charging that it was misbranded. It was labeled in part: (Boxes) "Clearfield Brand Chee-Zee Pimiento Spread."

The article was alleged to be misbranded in that the statement on the label, "It Contains Not More Than 46% Moisture And Not Less Than 24% Butterfat," was false and misleading as applied to an article that contained more moisture (average, 47.04 percent) and less butterfat (average, 22.79 percent) than was declared on the label.

On January 30, 1942, Clearfield Cheese Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

### EVAPORATED MILK

**3713. Adulteration of evaporated milk. U. S. v. 454 Cases of Evaporated Milk. Consent decree of condemnation and destruction.** (F. D. C. No. 7478. Sample No. 98219–E.)

Examination showed that this product was in part decomposed.

On May 8, 1942, the United States attorney for the District of Maine filed a libel against 454 cases, each containing 48 13-fluid ounce cans, of evaporated milk at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about April 16, 1942, by Sterling Sales Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Ward Brand Evaporated Milk."

On July 21, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

## EGGS

**3714. Adulteration of powdered egg yolk and conspiracy to violate the Federal Food, Drug, and Cosmetic Act. U. S. v. Max Neuhaus and Louis Perlstein. Pleas of guilty. Each defendant fined $250 and sentenced to 4 months' imprisonment and placed on probation for 2 years.** (F. D. C. No. 2089. Sample Nos. 47395–D, 54945–D, 58483–D, 59086–D, 60260–D.)

On March 30, 1942, the grand jurors for the Southern District of New York presented an indictment against Max Neuhaus and Louis Perlstein, charging in the first 5 counts that within the period from on or about June 9 to August 3, 1939, the defendants with intent to defraud and mislead, delivered for introduction into interstate commerce from New York, N. Y., into the States of Ohio, Maryland, Wisconsin, and Pennsylvania, 8 barrels of powdered egg yolk which was adulterated in that it consisted of a decomposed substance, as the defendants well knew.

The indictment charged in the sixth count (1) that on or about January 1, 1936, and continuing up to and including the date of filing of the indictment, the defendants unlawfully, willfully, and knowingly, combined, conspired, confederated, and agreed together and with each other and other persons unknown, to commit an offense against the United States, which offense consisted of the introduction and delivery for introduction in interstate commerce, unlawfully, and with intent to defraud and mislead, articles of food which were adulterated, as the defendants well knew; (2) that it was a part of the conspiracy that the defendants would purchase egg yolks that were in fact decomposed and not fit for human consumption at a price approximately one-half of the market price for powdered egg yolk and would represent that the decomposed powdered egg yolks were wholesome and fit for human consumption and would sell them at the market price for powdered egg yolks; and (3) that in pursuance of the conspiracy and to effect its objects, on or about July 26, 1939, the defendants committed the overt acts (a) of removing from a certain barrel a tag bearing the letters N. F. F. H. C., (b) of removing from the side of a certain barrel by scraping therefrom the letters N. F. F. H. C., and (c) causing a barrel to be placed on a delivery truck.

On April 8, 1942, the defendants entered pleas of guilty on all 6 counts. On April 29, 1942, the court imposed total fines of $500, i. e., $50 against each defendant on each of the first 5 counts and also sentenced each defendant to serve 4 months in jail on the same counts, the jail sentences to run concurrently. The court suspended sentence on the sixth count and placed both defendants on probation for 2 years.

**3715. Adulteration and misbranding of shell eggs. U. S. v. Ralph A. Westerkamp and Francis E. Westerkamp (Westerkamp Bros.). Pleas of guilty. Fine, $200.** (F. D. C. No. 7273. Sample Nos. 76194–E, 65196–E.)

On July 22, 1942, the United States attorney for the District of Colorado filed an information against Ralph A. Westerkamp and Francis E. Westerkamp, copartners trading as Westerkamp Bros., at Denver, Colo., alleging shipment on or about February 5, 1942, from the State of Colorado into the State of Wyoming, of a quantity of eggs that were adulterated and misbranded. The article was labeled in part: "Eggs * * * Fresh * * * Medium"; or "Specials Rock Springs Maid Eggs * * * Distributed by Rock Springs Food Products Co. W. C. Jorgenson—Rock Springs, Wyo."

A portion of the article was alleged to be adulterated in that eggs that were not fresh had been substituted wholly or in part for fresh eggs. The said portion was alleged to be misbranded in that the word "fresh," checked on the cartons, was false and misleading since it did not consist of fresh eggs. The remainder was alleged to be adulterated in that eggs that were not of Special grade had been substituted wholly or in part for Special grade eggs. The said remainder was alleged to be misbranded in that the statement "Specials," borne on the carton, was false and misleading since the article did not consist of eggs of the grade known in the trade as "Specials," but of eggs of a lower grade.

On July 30, 1942, the defendants having entered pleas of guilty, the court imposed a fine of $50 on each count, or a total of $200.

## FISHERIES PRODUCTS

### SHELLFISH

**Nos. 3716 to 3719** report actions based on interstate shipment of crab meat that was contaminated with fecal *E. coli*.

**3716. Adulteration of crab meat. U. S. v. Nelson R. Coulbourn (N. R. Coulbourn). Plea of nolo contendere. Fine, $50.** (F. D. C. No. 6443. Sample Nos. 50579–E, 59431–E.)

On April 11, 1942, the United States attorney for the Eastern District of Virginia filed an information against Nelson R. Coulbourn, trading as N. R. Coulbourn at Hampton, Va., alleging shipment on or about August 12 and 13, 1941, from the State of Virginia into the State of Pennsylvania and the District of Columbia of a quantity of crab meat which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 13, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50.

**3717. Adulteration of crab meat. U. S. v. G. T. Elliott, Inc., and George T. Elliott. Plea of nolo contendere. Fines, $100.** (F. D. C. No. 6463. Sample No. 59007–E.)

On April 6, 1942, the United States attorney for the Northern District of Virginia filed an information against G. T. Elliott, Inc., Hampton, Va., and George T. Elliott, president of said corporation, alleging shipment on or about July 30, 1941, from the State of Virginia into the District of Columbia of a quantity of crab meat which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions, whereby it might have become contaminated with filth.

On July 13, 1942, a plea of nolo contendere was entered on behalf of the defandants, and the court imposed a fine of $50 on each defendant, totaling $100.

**3718. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 7555. Sample No. 70853–E.)

On May 14, 1942, the United States attorney for the Southern District of New York filed a libel against 1 barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 11, 1942, by J. A. & C. Q. Goodrich from Oak Hill, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3719. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat (and 4 additional seizure actions against crab meat). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7503 to 7507, incl. Sample Nos. 54742–E, 74249–E, 87580–E, 87583–E, 89438–E.)

Between April 28 and May 1, 1942, the United States attorneys for the Eastern District of Pennsylvania, Southern District of New York, and the District of Maryland filed libels against 1 barrel containing 98 pound cans of crab meat at Philadelphia, Pa.; 4 barrels containing a total of 380 pound cans of crab meat at New York, N. Y.; and 3 barrels each containing 100 pound cans o crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about April 24 to on or about April 27, 1942, by Louisiana Blue Crab Distributors, Inc., from Westwego and Harvey, La.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

Between Mary 15 and June 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3720. Adulteration of oysters. U. S. v. 434 Pints and 270 Pints of Oysters. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6315, 6560. Sample Nos. 64470–E, 78003–E.)

This product contained added water.

On November 28 and December 22, 1941, the United States attorney for the Western District of Pennsylvania filed libels against a total of 704 pints of oysters at Altoona, Pa., alleging that the article had been shipped in interstate commerce on or about November 24 and December 15, 1941, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated in that water had been substituted in part therefor, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On December 19, 1941, and January 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3721. Alleged adulteration of canned oysters. U. S. v. 1,232 Cases of Canned Oysters. Tried to the court. Decree entered ordering case dismissed and product restored to claimant.** (F. D. C. No. 4943. Sample No. 49209–E.)

On June 16, 1941, the United States attorney for the Western District of Missouri filed a libel against 1,232 cases, each containing 24 5-ounce cans, of oysters at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 3, 1941, by the Anticich Canning Co. from Biloxi, Miss.; and charging that it was adulterated. The article was labeled in part: "American Beauty Brand Oysters."

It was alleged to be adulterated (1) in that it contained added deleterious substances, shell fragments, which might have rendered it injurious to health; (2) in that an article containing shell fragments had been substituted wholly or in part for oysters; and (3) in that shell fragments had been mixed or packed therewith so as to reduce its quality.

The Anticich Canning Co. appeared as claimant and filed a motion for the removal of the case to the Southern District of Mississippi. The motion was argued September 15, 1941, and was overruled by the court without opinion. On October 29, 1941, the case came on for trial before the court without a jury. At the conclusion of the Government's case, the claimant moved the court to exclude the evidence offered on behalf of the Government and find for the defendant. The court announced that it would reserve ruling on the motion until the claimant's evidence was completed. On October 30, 1941, the taking of testimony having been concluded, the case was taken under advisement by the court, and on February 28, 1942, the court handed down the following memorandum opinion:

REEVES, *District Judge.* "This is a proceeding by the process of libel to condemn an alleged adultered food product. Such food consists of 1,232 cases of oysters, each case containing 24 cans marked 'American Beauty Brand Oysters.'

"As a basis for condemnation, it is alleged by the Government that said article 'contains shell fragments, many of them small enough to be swallowed and become lodged in the esophagus, and that said shell fragments are sharp and capable of inflicting injury in the mouth.'

"The provision of the law invoked by the Government is section 342, Title 21 U. S. C. A., and sundry subdivisions thereof. Said section provides, among other things that:

A food shall be deemed to be adulterated—(*a*) (1) If it bears or containh any poisonous or deleterious substance which may render it injurious to health; *but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health.*

"The claimant appeared to deny the averments of the libel and assert ownership of the product. The evidence in the case showed that in the processing of oysters for food there is a constant effort to eliminate shells and fragments thereof from the product. For this purpose many means and devices are used to reduce as nearly to a minimum as possible such shells and fragments in the product. The evidence, however, on behalf of both the Government and the defense was that with present known means and devices it was impossible to free the product entirely from the presence of part shells and shell fragments. Moreover, it not only appeared, but it is a matter of common knowledge, that an oyster is a marine bivalve mollusk with a rough and an irregular shell wherein it develops and grows, and that, in the processing of the food product, it is necessary to remove this irregular, rough shell so far as that may be accomplished. The shells, therefore, are not artificially added for the purpose of growth or to aid in the processing operations.

"The evidence on the part of the Government was that parts of shell and shell fragments upon inspection were found in many of the cans taken from the article seized. Such parts of shell and fragments were exhibited at the trial.

"There was evidence on behalf of the claimant that its processing operations were in accord with the best manufacturing practice and there was even some testimony that the means employed by it for the elimination of shell fragments were superior to the means employed by other processors engaged in similar operations. The testimony on the part of the claimant further tended to show that within the Kansas City area over a period of 10 years it had sold approximately 5 million cans of its product and that no complaint had ever been made concerning the presence of shell fragments. Claimant also proved that over 50 million cans had been processed by it and distributed in its trade territory and that no complaints had ever been made of the presence of part shells or shell fragments.

"It seems proper at this point to comment that in this case involving considerable testimony there was no substantial controversy as to the facts and practically no difference of opinion as to the law. There was a contention by the Government that the shells as a deleterious substance were added to the product while being processed. There was no evidence to support this contention.

"1. The excerpt from the statute heretofore quoted contemplates that there may be of necessity food products containing deleterious substances. No one who has had the experience of eating either fish or oysters is unfamiliar with the presence of bones in the fish (a deleterious substance) and fragments of shell in the oysters (also a deleterious substance).

"The Congress, however, withdrew such foods from the adulterated class 'if the quantity of such substance in such food does not ordinarily render it injurious to health.'

"The evidence on both sides was that by the greatest effort, and in the use of the most modern means and devices, shell fragments could not be entirely separated from an oyster food product. The Government, in its brief, quite aptly and concisely stated its point by using the following language:

It is the character, not the quantity of this substance that controls its ability to injure.

This concession on the part of the Government, properly made, upon the evidence removes the case immediately from that portion of the statute which says:

* * * such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health.

Since it is the 'character, not the quantity of this substance that controls its ability to injure,' as stated by the Government, then in the view that it is impossible to eliminate shell fragments in toto from the product, the use of oysters as a food must be entirely prohibited or it must be found that the presence of shell fragments is not a deleterious substance within the meaning of the law and must be tolerated. To reject oyster products as a food is unthinkable. It would be as reasonable to reject fish because of the presence of bones.

"Even if a greater percentage of shells and shell fragments were found in claimant's product than in that of other processors, yet this fact, under the theory of the Government, would not add to the deleterious nature of claimant's product. It should be stated, however, that there was no evidence that there was an excess of shell fragments in claimant's product over that of other processors. On the contrary, a preponderance of the evidence showed that the claimant's processing methods were superior.

"2. It does not seem necessary to discuss other portions of said section 342 invoked by the Government. It is charged in the libel complaint that other provisions of the statute were violated by substituting shell fragments for oysters, and that shell fragments had been mixed or packed with the oyster product so as to reduce its quality. There was no testimony to support these averments and so as to make applicable those provisions of the law directed against such acts.

"3. Counsel for both the Government and the claimant, at the trial and in their briefs, discussed the question of the right to a tolerance regulation as provided by section 346, title 21, U. S. C. A. This provision is for tolerance of both poisonous and deleterious substances where the presence of such substance cannot be avoided. However, that section says:

(a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practices of the application of clause (2) of section 342 (a).

Adverting to clause 2 of said section 342 (a), it reads as follows:

* * * or (2) if it [food] bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 346.

"It will be seen at once that this provision does not apply where the deleterious substance inheres in the product and is not added. Further quoting from section 346, however, note this language:

* * * but when such substance is so required or cannot be so avoided, the Administrator shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health.

"Upon the concession made by the Government in this case, even if the tolerance section could be construed to apply, it is not the quantity of the substance but its character 'that controls its ability to injure.'

"4. Upon the evidence in the case it must be found that the presence of shell fragments in the article sought to be condemned does not ordinarily render it injurious to health.

"Under the statute and upon the evidence the Government is not authorized to condemn the article seized for the reason that the processed article does not offend against the food and drug law. The claimant, therefore, should have restored to it the articles seized and the libel should be dismissed. It will be so ordered."

On March 6, 1942, judgment was entered dismissing the case and ordering the goods restored to the claimant.

**3722. Adulteration of canned oysters. U. S. v. 1,792 Cases of Canned Oysters. Consent decree of condemnation. Product ordered released under bond for segregating and salvaging the good portion.** (F. D. C. No. 4941. Sample Nos. 17281–E, 17282–E, 49207–E.)

On June 17, 1941, the United States attorney for the Middle District of Tennessee filed a libel against 1,792 cases, each containing 24 cans, of oysters at Nashville, Tenn., alleging that the article had been shipped on or about May 16, 1941, by the Mavar Shrimp & Oyster Co., Ltd., from Biloxi, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Bullhead Brand Contents 10 Oz. Avoir. Oysters Gibbs & Co., Inc. Distributors."

On August 15, 1941, the Mavar Shrimp & Oyster Co., Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The fit portion was separated from the unfit and the latter was destroyed.

**3723. Misbranding of canned shrimp. U. S. v. Max Pinkus (John Price & Co.). Plea of nolo contendere. Fine, $1,000, of which $750 was remitted.** (F. D. C. No. 7291. Sample No. 54447–E.)

The labeling of this product falsely represented that it had been packed under the supervision of the United States Food and Drug Administration.

On August 11, 1942 the United States attorney for the Eastern District of Pennsylvania filed an information against Max Pinkus, trading as John Price & Co., Philadelphia, Pa., alleging that on or about October 2, 1941, a quantity of glass-packed shrimp in unlabeled jars had been shipped in interstate commerce to the defendant and that during the period from said date to on or about December 11, 1941 and while the said shrimp was being held for sale after such shipment in interstate commerce, the defendant had labeled a quantity of said shrimp by affixing and causing to be affixed to the jars, a label bearing the following statements and design: "Garden Reg. U. S. Pat. Off. Brand [vignette of house and garden] Drained Weight 5¾ Oz. Shrimp Production Supervised by U. S. Food and Drug Administration Packed For John Price & Co. Phila., Pa., U. S. A.," and that such act had resulted in the article's being misbranded.

The information alleged further that the article when so labeled, was misbranded in that the statement "Production supervised by U. S. Food and Drug Administration" was false and misleading since it represented that the shrimp had been produced under the supervision of the U. S. Food and Drug Administration, whereas it had not been so produced.

The information also alleged further violation by the defendant in the unlawful and unauthorized use of the Sea Food Inspection legend in violation of the Food and Drugs Act of 1906, as reported in notice of judgment No. 31146 published under that act.

On September 9, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $1,000 on each of the two counts but remitted $750 of each fine.

Nos. **3724** to **3728** report the seizure and disposition of frozen shrimp that was in whole or in part decomposed.

**3724. Adulteration of frozen shrimp. U. S. v. 148 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7120. Sample Nos. 89385–E, 89801–E.)

On April 2, 1942, the United States attorney for the Southern District of New York filed a libel against 148 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by Dallas & Wells from Southport, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3725. Adulteration of frozen shrimp. U. S. v. 43 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7119. Sample No. 89384–E.)

On April 2, 1942, the United States attorney for the Southern District of New York filed a libel against 43 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 14, and 15, 1941, by King Shrimp Co. from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3726. Adulteration of frozen shrimp. U. S. v. 198 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7562. Sample No. 89544–E.)

On May 26, 1942, the United States attorney for the Southern District of New York filed a libel against 198 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 23 and 24, 1942, by the Louis Crab Factory from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3727. Adulteration of frozen shrimp. U. S. v. 42 Cartons of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7188. Sample No. 89802–E.)

On April 14, 1942, the United States attorney for the District of New Jersey filed a libel against 42 cartons of shrimp at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 20, 1941, by Public Quick Freezing & Cold Storage Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3728. Adulteration of frozen shrimp. U. S. v. 44 Boxes of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7385. Sample Nos. 59880–E, 87560–E.)

On April 22, 1942, the United States attorney for the District of Maryland filed a libel against 44 boxes of frozen shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 28, 1941, by John Santos from Patterson, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS

**3729. Adulteration of frozen perch. U. S. v. 267 Boxes of Fish Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 7545. Sample No. 86563–E.)

This product was infested with parasites.

On May 26, 1942, the United States attorney for the Northern District of Illinois filed a libel against 267 boxes of fish fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 9, 1942, by North Atlantic Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "North Atlantic Fish Co. Fish North Atlantic Brand."

On July 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3730. Adulteration of canned salmon. U. S. v. Carl Rubinstein. Plea of guilty. Total fines, $1,001 and costs.** (F. D. C. No. 5573. Sample Nos. 5143–E, 35543–E.)

Examination of this product showed the presence of decomposed fish.

On April 1, 1942, the United States attorney for the Western District of Washington filed an information against Carl Rubinstein, Seattle, Wash., alleging shipment on or about November 28 and 29, 1940, from the State of Washington into the States of Ohio and Alabama of quantities of canned salmon that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gavin's Alaska Pink Salmon * * * Packed for Gavin Bros. Inc. Seattle"; or "North View Brand Pink Alaska Salmon * * * Distributed By Puget Sound & Alaska Trading Co. Seattle, Wash."

On June 1, 1942, the defendant having entered a plea of guilty, the court imposed fines totaling $1,001, together with costs.

**3731. Adulteration of canned mackerel. U. S. v. 1,616 Cases and 1,683 Cases of Canned Mackerel. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 6787. Sample No. 23628–E.)

Examination of this product showed the presence of decomposed material.

On February 5, 1942, the United States attorney for the Northern District of California filed a libel against 1,616 cases each containing 48 cans and 1,683 cases each containing 24 cans of mackerel at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1941, by Port Quartermaster Army Supply Base from Bay Ridge, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Snow's Atlantic Ocean Mackerel * * * Contents 14 ozs. Packed By The F. H. Snow Canning Co., Inc. Pine Point, Maine."

On May 19, 1942, F. H. Snow Canning Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released

under bond to be reconditioned under the supervision of the Food and Drug Administration. The good portion was separated from the bad and the latter was destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUITS

**3732. Adulteration of canned blackberries. U. S. v. 777 Cases of Canned Blackberries. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6954. Sample No. 73000–E.)

Examination of this product showed the presence of moldy berries.

On February 27, 1942, the United States attorney for the Southern District of California filed a libel against 777 cases of canned blackberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 14, 1941, and January 2, 1942, by the Oregon Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "O. F. P. Brand Oregon Fruit Products Unsweetened Blackberries."

On April 25, 1942, the Oregon Fruit Products Co., claimant, having filed an answer admitting that the product was in part adulterated, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**3733. Adulteration of canned blackberries. U. S. v. 50 Cases of Blackberries. Consent decree of forfeiture and destruction.** (F. D. C. No. 5939. Sample No. 61065–E.)

Examination of this product showed the presence of moldy berries.

On October 1, 1941, the United States attorney for the Territory of Hawaii filed a libel against 50 cases, each containing 6 No. 10 cans, of blackberries at Honolulu, T. H., which had been consigned by Washington Packers, Inc., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, from Tacoma, Wash.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, and decomposed, and was otherwise unfit for food. The article was labeled in part: (Cans) "Inavale Brand * * * Blackberries."

On March 10, 1942, Washington Packers, Inc., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered destroyed.

**3734. Misbranding of canned blueberries. U. S. v. 153 Cases of Blueberries. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 7435. Sample Nos. 90455–E, 90843–E.)

This product was not of Fancy quality as labeled because of the presence of a large number of stems and immature berries.

On May 6, 1942, the United States attorney for the District of Rhode Island filed a libel against 153 cases of blueberries at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 8, 1941, from Thomaston, Maine, by Black & Gay Canners, Inc.; and charging that it was misbranded in that the term "Fancy" on the label was false and misleading since the article was not of Fancy quality. It was labeled in part: "Vacuum Packed Kid Glove * * * Fancy Maine Sweetened Blueberries."

On June 12, 1942, First National Stores, Inc., Providence, R. I., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3735. Adulteration of canned cherries. U. S. v. 637 Cases of Canned Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 7510. Sample No. 95111–E.)

Examination showed that this product contained worms.

On May 15, 1942, the United States attorney for the Northern District of California filed a libel against 637 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on March 17, 1942, by the Vatley [Valley] Fruit Packing Co. from Seattle, Wash.; and charging that it was adulterated in that it con-

sisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Heep Full Brand Red Sour Pitted Cherries * * * Packed By Valley Fruit Canning Co. Seattle Wash."

On June 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3736. Misbranding of canned peaches. U. S. v. 275 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6554. Sample No. 71020–E.)

This product fell below the standard of quality for canned peaches because of excessive peel and uneven trim. Furthermore, the labeling failed to name the optional ingredient present, i. e., yellow freestone halves.

On December 19, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 275 cases, each containing 24 cans, of peaches at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 12, 1941, by Nagle Packing Co. from Paducah, Ky.; and charging that it was misbranded. It was labeled in part: (Cans) "Real Treat Brand. Contents 1 Lb. 13 Oz. Halves. Home Style Yellow Peaches in Syrup."

The article was alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common name of the optional peach ingredient present in such food; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 21, 1942, L. Cohen Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

**3737. Misbranding of canned sliced peaches. U. S. v. 584 Cases of Canned Sliced Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6846. Sample No. 49836–E.)

This product was substandard in quality because more than 20 percent of the units in the container were blemished and because all units were not untrimmed, or were not so trimmed as to preserve their normal shape.

On February 11, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 584 cases of canned sliced peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard. It was labeled in part: "Renown Sliced Yellow Cling Peaches * * * Packed By Fruitvale Canning Co."

On July 3, 1942, Fruitvale Canning Co., Oakland, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

## GLACE FRUIT

**3738. Adulteration of glace fruit. U. S. v. 3 Cans and 31 Cans of Glace Fruit. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** F. D. C. Nos. 6291, 6635. Sample Nos. 85093–E, 85104–E, 85122–E.)

Hairs resembling rodent hairs and insect and worm fragments were found in samples taken from this product.

On November 27, 1941, and January 3, 1942, the United States attorney for the Western District of Washington filed libels against 34 cans of glace fruit at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16 and November 7, 1941, by L. Demartini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Dandy-Mix-Diced Glazed Fruit 35 Lb. Net."

On April 18, 1942, the cases having been consolidated, and L. Demartini Co., claimant, having admitted all allegations of the libel with the exception of the allegation that the product had been prepared under insanitary conditions whereby it might have been contaminated with filth, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of in conformity with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

## CANNED VEGETABLES

**3739. Adulteration and misbranding of canned asparagus. U. S. v. 72 Cases of Canned Asparagus. Default decree of condemnation and destruction.** (F. D. C. No. 7513. Sample No. 95049–E.)

Examination showed that this product consisted principally of the lower inedible portions of the asparagus sprout.

On May 14, 1942, the United States attorney for the Middle District of Alabama filed a libel against 72 cases, each containing 6 No. 10 cans, of asparagus at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about April 23, 1942, by National Brands Sales Corporation for W. J. Withers, Inc., San Francisco, Calif., from Alameda, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Packrite Brand Asparagus * * * Packed by Manteca Canning Co., Manteca, California."

The article was alleged to be adulterated in that the lower inedible portions of the asparagus sprout had been substituted wholly or in part for edible asparagus.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it did not consist of the edible portions of sprouts of the asparagus plant.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3740. Adulteration of canned green beans. U. S. v. 180 Cases and 121 Cases of Green Beans. Default decree of destruction.** (F. D. C. No. 6677. Sample Nos. 67632–E, 67633–E.)

This product was in whole or in part decomposed.

On or about January 22, 1942, the United States attorney for the Western District of Missouri filed a libel against 301 cases, each containing 24 No. 2 cans, of green beans at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Good Canning Corporation from Fort Smith, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Dependable [or "Mrs. Lane's"] Cut Stringless Green Beans * * * Packed By Good Canning Corporation [or "Foodland Inc. Distributors Cleveland, Ohio"]."

On April 10, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3741. Adulteration of canned pork and beans. U. S. v. 2,077 Cases of Canned Pork and Beans. Consent decree ordering the product released under bond to be reconditioned.** (F. D. C. No. 7061. Sample Nos. 17367–E, 17368–E.)

Examination showed that this product was undergoing progressive decomposition.

On March 19, 1942, the United States attorney for the District of Utah filed a libel against 2,077 cases, each containing 6 No. 10 cans, of pork and beans at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about February 16 and 17, 1942, by Griffin Grocery Co. from Muskogee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Polar Bear * * * Pork and Beans with Tomato Sauce."

On April 13, 1942, Griffin Grocery Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be separated, sorted, and disposed of in compliance with the law. The cans containing decomposed material were segregated and destroyed.

**3742. Adulteration and misbranding of beans with pork. U. S. v. 113 Cases, 63 Cases, and 96 Cases of Beans with Pork. Consent decrees of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. Nos. 7485, 7489, 7547. Sample Nos. 81444–E, 81610–E, 81640–E.)

These canned beans were found to contain small stones ranging in size in the various lots from $\frac{1}{16}$ inch in diamater to about the size of a bean. One shipment was short of the declared weight.

On May 14 and 28, 1942, the United States attorney for the District of Colorado filed libels against 272 cases, each containing 48 cans of beans with pork, which had been consigned by the Norfolk Packing Co., alleging that the article had been shipped in interstate commerce within the period from on or about January 19 to on or about April 1, 1942, from Plattsmouth, Nebr.; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: "Select [or "First Prize" or "Morning Light"] Brand Beans With Pork."

All 3 lots were alleged to be adulterated in that stones had been substituted wholly or in part for beans with pork, which the article purported to be. Adulteration was alleged with respect to 2 of the lots for the further reason that stones had been added thereto or mixed and packed therewith so as to reduce its quality. The Select brand was alleged to be misbranded in that the statement "Contents 16 Ounces" was false and misleading, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 9, 1942, the owner in each instance having signed an acceptance of service and authorization for the taking of final decree, judgments of condemnation were entered and it was ordered that the product be distributed to charitable institutions and that they be required to take steps to insure removal of the adulterant before consumption of the product.

**3743. Adulteration of canned beets. U. S. v. 5 Cases of Canned Beets. Default decree of condemnation and destruction.** (F. D. C. No. 7457. Sample No. 87969–E.)

This product was undergoing progressive spoilage.

On May 12, 1942, the United States attorney for the Western District of Virginia filed a libel against 5 cases, each containing 24 No. 2½ cans, of beets at Clifton Forge, Va., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, by W. R. Roach & Co. from Owosso, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Hart Brand Small Beets."

On July 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 3744 to 3748** report the seizure and disposition of canned peas of the smooth skin variety that fell below the standard of quality for such product, because of excessive mealiness as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent.

**3744. Misbranding of canned peas. U. S. v. 99 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6799. Sample No. 59982–E.)

On January 31, 1942, the United States attorney for the Western District of Virginia filed a libel against 99 cases, each containing 24 No. 2 cans, of peas at Winchester, Va., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by A. J. Harris & Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Carroll County Brand Early June Peas * * * Packed By Bankert Bros. Hampstead, Md."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 3, 1942, Bankert Bros., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration. On September 22, 1942, judgment of condemnation was entered, the order of April 3, 1942, having failed to provide for condemnation.

**3745. Misbranding of canned peas. U. S. v. 202 Cases of Canned Peas. Decree of forfeiture. Product ordered released under bond to be relabeled.** (F. D. C. No. 6524. Sample No. 79053–E.)

On December 16, 1941, the United States attorney for the Southern District of Indiana filed a libel against 202 cases of canned peas at Anderson, Ind., alleging that the article had been shipped in interstate commerce on or about August 12, 1941, by Ladoga Canning Co. from Washington Court House, Ohio; and charging that it was misbranded in that it was a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 5, 1942, the Ladoga Canning Co. having appeared as claimant, judgment was entered finding the product misbranded and ordering its forfeiture. Thereupon, the claimant filed a petition to relabel the goods, paid costs of the proceedings, and executed a bond; and the court ordered the product released to the claimant to be relabeled and disposed of in conformity with the law.

**3746. Misbranding of canned peas. U. S. v. 92 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7563. Sample No. 87593–E.)

On May 27, 1942, the United States attorney for the District of Columbia filed a libel against 92 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by A. W. Sisk & Sons from Union Mills, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Carroco Brand Early June Peas Contents 1 Pound 4 Ounces Packed by John W. Humbert Union Mills, Md."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 19, 1942, John W. Humbert, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3747. Misbranding of canned peas. U. S. v. 2,602 Cases and 258 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released unconditionally; remainder ordered released under bond for relabeling.** (F. D. C. Nos. 6656, 7130. Sample Nos. 87281–E, 87461–E.)

On January 6 and April 4, 1942 the United States attorney for the Northern District of West Virginia filed libels against 2,602 cases each containing 24 cans of peas at Clarksburg, and 258 cases, each containing 24 cans of peas, at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 16 to on or about September 25, 1941, by Southern Packing Co., Inc., from Mountain Lake Park and Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Can) "Value Brand Early June Peas."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but it quality fell below such standard because the alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

On June 2, 1942, the Southern Packing Co., Inc., having appeared as claimant, judgments of condemnation were entered and it was ordered that a portion of the product seized at Clarksburg, identified by certain codes, be released unconditionally and that the remainder of said lot and also the lot seized at Parkersburg, be released under bond for relabeling under the supervision of the Food and Drug Administration.

**3748. Misbranding of canned peas. U. S. v. 17 Cases of Canned Peas. Default decree of condemnation and destruction.** (F. D. C. No. 7412. Sample No. 87569–E.)

On May 4, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 17 cases of canned peas at Miles Store, Va., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.; and

charging that it was misbranded. It was labeled in part: "Superfine Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3749. Misbranding of canned spinach. U. S. v. 45 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7077. Sample No. 83559–E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of fibrous and hollow stems, and yellow leaves.

On March 30, 1942, the United States attorney for the Northern District of Texas filed a libel against 45 cases, each containing 24 cans, of spinach at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Griffin Grocery Co. from Muskogee, Okla.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. It was labeled in part: "Griffins Money Back Fancy Spinach."

On May 19, 1942, Griffin Grocery Co. of Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

**3750. Misbranding of canned spinach. U. S. v. 298 Cases and 198 Cases of Canned Spinach. Consent decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7164. Sample Nos. 95042–E, 95044–E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of excessive quantities of yellow and brown leaves.

On April 7, 1942, the United States attorney for the Western District of New York filed libels against 298 cases each containing 24 cans, and 198 cases each containing 24 cans of spinach at Buffalo, N. Y., alleging that the article had been shipped by G. W. Hume Co. from San Francisco, Calif., on or about March 24, 1942; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: (Cans) "BesTaste Fancy Spinach. Contents 1 Lb. 2 Oz. [or "1 Lb. 11 Oz."] Distributed By Bestaste Products Co. Buffalo, N. Y."

On May 8, 1942, G. W. Hume Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

## TOMATOES AND TOMATO PRODUCTS

**3751. Action to enjoin and restrain interstate shipment of adulterated tomatoes and tomato products. U. S. v. Val Vita Food Products, Inc. Consent decree perpetually enjoining the defendant from interstate shipment of adulterated tomato products.** (Inj. No. 27.)

On March 4, 1942, the United States attorney for the Southern District of California filed a bill of complaint against Val Vita Food Products, Inc., Fullerton, Calif., alleging that the defendant was engaged in the processing and packing of tomatoes and tomato products for introduction and delivery for introduction into interstate commerce to be used as food. The complaint alleged further, on information and belief, that the defendant had on hand in January 1942, 11,747 cases of tomato products packed on the same days as other lots known by the Government to be adulterated, and 15,003 cases of tomato products in which the mold condition was questionable. It was alleged further that during the years 1933, 1934, and 1935 inspection of the defendant's factory at Fullerton, Calif., indicated that unfit and objectionable tomatoes were being used in the processing and canning of tomato products, and that during such period the defendant had been warned repeatedly to use greater care in removing objectionable material from the products that were to be shipped in interstate commerce; that during the years 1936, 1937, 1938, 1939, and 1940 the Government had made a large number of seizures of tomato products processed by the defendant which were found to be wormy or moldy or both; that during the year 1941 the defendant continued the packing of wormy and

moldy tomatoes for shipment into interstate commerce, and inspection on September 8, 1941, showed that objectionable material was being crushed into puree and that trimming stock used contained 4 percent worm infestation and that small tomatoes showing a live pinworm infestation of 2 percent were also being used; that the Government on January 26, 1942, had inspected tomato products packed by the defendant in October and November, 1941 and had taken samples which showed mold count in excess of 40 percent, and that an examination of the defendant's books showed that their own chemists had found similar conditions of mold to exist in such products; that the defendant had withdrawn lots of products awaiting shipment into interstate commerce when it had been learned that the lots had been sampled by Government inspectors; and that it had become necessary for the protection of the consumer that the defendant be forever enjoined from introducing or delivering for introduction into interstate commerce such adulterated products. The complaint prayed that a temporary restraining order be issued forthwith; that pending final determination, the court issue a preliminary injunction; and that thereafter and on final hearing, the preliminary injunction be made permanent.

On March 4, 1942, the court ordered that the defendant and all acting upon its behalf be restrained and enjoined, until March 10, 1942, from introducing or delivering for introduction into interstate commerce any tomatoes or tomato products that it had packed. On April 24, 1942, the defendant having consented to the entry of a decree without admitting any of the allegations of the complaint, judgment was entered *nunc pro tunc* as of March 25, 1942, permanently enjoining the defendant and all acting upon its behalf from introducing or delivering for introduction into interstate commerce any tomatoes or tomato products processed, manufactured, canned, or bottled by it which were adulterated or might thereafter be adulterated.

**3752. Adulteration of tomatoes and tomato paste. U. S. v. Manteca Canning Co. Plea of guilty. Fine, $750.** (F. D. C. No. 7245.) Sample Nos. 21619–E, 22777–E, 23574–E.)

These products contained excessive mold, indicating the presence of decomposed material.

On July 10, 1942, the United States attorney for the Northern District of California filed an information against Manteca Canning Co., Manteca, Calif., alleging shipment within the period from on or about November 12, 1941, to on or about January 7, 1942, from the State of California into the States of Missouri, Pennsylvania, and New York, of quantities of tomatoes and tomato paste that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously in part: (Cans) "Mattina Brand Tomato Paste"; "Tux Brand Tomato Paste * * * Distributed By George B. Vrooman, Inc., Philadelphia, Penna."; or "Clara Brand Peeled Tomatoes with Puree * * * Packed in California for Sansone Food Products Co., Brooklyn, N. Y."

On July 29, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $750.

**3753. Adulteration of canned tomatoes. U. S. v. 91 Cases of Canned Tomatoes. Default decree of condemnation and destruction.** (F. D. C. No. 7349. Sample No. 90395–E.)

Examination showed that this product was undergoing progressive spoilage.

On April 16, 1942, the United States attorney for the District of Vermont filed a libel against 91 cases, each containing 6 cans, of tomatoes at Brattleboro, Vt., alleging that the article had been shipped in interstate commerce on or about August 8, 1941, by A. W. Sisk & Son from Snow Hill, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Chief Cook Brand Tomatoes. Net Contents 6 Lbs. 6 Oz. [or "6 Lbs. 4 Oz."] The Wm. Silver Co., Inc. [or Wm. Silver & Co."], Aberdeen, Maryland, U. S. A. Distributors."

On June 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 3754 to 3756** report the seizure and disposition of canned tomatoes that were substandard in quality because of the presence of excessive peel. One brand of tomatoes described in No. 3754 also contained an excessive number of blemishes.

**3754. Misbranding of canned tomatoes. U. S. v. 599 and 998 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. Nos. 6978, 7444. Sample Nos. 90240–E, 90435–E.)

On March 5 and May 4, 1942, the United States attorney for the District of Massachusetts filed libels against 1,597 cases, each containing 24 No. 2 cans, of tomatoes, at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about November 5, 1941, and April 7, 1942, by A. W. Sisk & Son from Kingston, and Preston, Md.; and charging that it was misbranded. The article was labeled in part: "Red Ripe Brand Tomatoes * * * Packed by C. F. Matthews Kingston, Md."; or "Iona Tomatoes * * * The Great Atlantic & Pacific Tea Co. New York, N. Y., Distributors."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard because in both brands the peel per pound of canned tomatoes covered an area of more than 1 square inch, and in the Iona brand the blemishes per pound of canned tomatoes covered an area of more than ¼ square inch, and the labels failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 8 and June 4, 1942, A. W. Sisk & Son, Aberdeen, Md., claimant for the Red Ripe brand, and J. Roland Stewart, Cambridge, Md., claimant for the Iona brand, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled correctly under the supervision of the Food and Drug Administration.

**3755. Misbranding of canned tomatoes. U. S. v. 36 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered distributed to a charitable institution.** (F. D. C. No. 7381. Sample No. 87963–E.)

On April 24, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 36 cases of canned tomatoes at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about February 16, 1942, by Tilghman Packing Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs. Standard Quality Grades C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

It was alleged to be misbranded (1) in that the statement "Standard Quality Grade C" was false and misleading as applied to substandard tomatoes; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but it fell below such standard because the amount of peel per pound of canned tomatoes covered an area of more than 1 square inch and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**3756. Misbranding of canned tomatoes. U. S. v. 222 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7108. Sample No. 83904–E.)

On March 30, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 222 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 18, 1941, and January 26, 1942, by Chas. B. Silver & Son from Leslie, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Red Cross Brand Solid Pack Tomatoes."

On May 29, 1942, Chas. B. Silver & Son, Havre de Grace, Md., claimant, having admitted the allegations of the libel, decree of condemnation was entered and the product was ordered released under bond to be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

**3757. Adulteration of tomato catsup. U. S. v. 34 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 7464. Sample No. 92313–E.)

This product was undergoing active spoilage.

On May 8, 1942, the United States attorney for the District of Arizona filed a libel against 34 cases, each containing 24 12-ounce bottles, of tomato catsup

at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about November 12, 1941, by Kern Food Products, Inc., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "California Club Brand."

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 3758 to 3768** report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material.

**3758. Adulteration of tomato catsup. U. S. v. 117 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 7335. Sample No. 95037–E.)

On April 14, 1942, the United States attorney for the Eastern District of New York filed a libel against 117 cases of tomato catsup at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by Foster & Wood Canning Co. from Lodi, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Public Seal Brand Tomato Catsup * * * Kent Food Corporation Distributors Brooklyn, N.Y."

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3759. Adulteration of catsup. U. S. v. 296 Cases of Catsup. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7065. Sample No. 95012–E.)

On March 20, 1942, the United States attorney for the District of Rhode Island filed a libel against 296 cases of catsup at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 28, 1942, by the Globe Sales Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Valley Bloom Brand Tomato Catsup."

On July 3, 1942, Stockton Food Products, Inc., Stockton, Calif, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**3760. Adulteration of tomato juice. U. S. v. 454 Cases and 251 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 6533. Sample Nos. 90273–E, 90274–E.)

On December 15, 1941, the United States attorney for the District of Massachusetts filed a libel against 454 cases each containing 24 20-ounce cans, and 251 cases each containing 24 24-ounce cans of tomato juice at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about September 26 and October 7, 1941, by Gilbert Foods Corporation from Webster, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Tomato Juice * * * Sweet Life * * * Distributed by Sweet Life Food Corp."; or "Nessco * * * Tomato Juice * * * New England Stores Service Corporation, Distributors."

On July 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3761. Adulteration of tomato paste. U. S. v. 1,375 Cases of Tomato Paste. Tried to the court. Judgment for the Government. Decree of condemnation entered and product ordered released under bond for segregation and destruction of decomposed portion.** (F. D. C. No. 1816. Sample No. 92046–D.)

On April 16, 1940, the United States attorney for the District of Connecticut filed a libel against 1,375 cases, each containing 100 cans of tomato paste, at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 3, 1940, by Aron Canning Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Atrani Brand Tomato Paste * * * Net Weight 6 Oz. Avoir. Packed in California for Perrelli Bros. New Haven, Conn."

On March 25, 1941, Aron Hershel, trading as the Aron Canning Co., having appeared as claimant, and a jury having been waived, the case came on for trial before the court. The trial was concluded on March 27, 1941, whereupon the court made tentative findings of fact and conclusions of law and ordered that both sides submit briefs.

On January 14, 1942, the court handed down the following opinion sustaining the Government:

HINCKS, *Circuit Judge.* "The Federal Food, Drug and Cosmetic Act of 1938 (52 Stat. 1040, 21 U. S. C. A. 342) classified food as 'adulterated,' and hence subject to condemnation if shipped in interstate commerce under 21 U. S. C. A. 334, 'if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.' The only issue of law raised in this case is whether under this provision of the act the Government is entitled to a decree upon proof of a substantial amount of decomposed matter in the shipment, or whether it must also prove that the product was unfit for food.

"The claimant contends that the clause 'or if it is otherwise unfit for food' modifies the preceding class of substances; that the use of the phrase '*otherwise* unfit for food' necessarily imports that the class of decomposed substances which is subject to condemnation must also, within the legislative intent, be unfit for food.

"With this I cannot agree. The whole subject matter of this subdivision of the statute is covered by two coordinate 'if' clauses, and the second 'if' indicates plainly that the second clause introduced thereby is coordinate and independent rather than a qualification of the antecedent clause. The first clause plainly banned all products composed in whole or in part of any decomposed substance, and the second clause went on to add to the ban substances which were unfit for food for any other reason.

"To be sure, the other subdivisions of section 342 (a) specify as characteristics of the banned products that they shall be 'deleterious,' 'injurious to health,' or 'the product of diseased animals,' etc. These specified characteristics thus became essential prerequisites to be proved in cases brought under these subdivisions of the act. But in the first clause of subdivision (3) of section 342 (a) the sweeping ban of products consisting in whole or in part of any decomposed substance imports a Congressional finding that the presence of any substantial amount of rot in any food product is at least a sign of danger which alone justifies the exclusion of the product from unrestricted circulation in interstate commerce. That being so, proof that the product is actually unfit for food is no part of the Government's case in a prosecution under section 342 (a) (3). And there is no question here that the classification of the act has a reasonable relation to its objective, or that the objective was a proper one. For the claimant does not attack the validity of the statute; it raises only the question of its proper construction.

"If there can be any doubt as to the propriety of my conclusion, the doubt is set at rest by the history of this legislation. The Food and Drugs Act of 1906 (34 Stat. 769, 21 U. S. C. A. Sec. 8) by subdivision 6 of section 8 subjected to condemnation products consisting 'in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.'

"Under this act the courts have consistently decreed the condemnation of decomposed substances without proof of any injurious effect upon health. *U. S.* v. *133 Cases of Tomato Paste*, 22 Fed. Supp. 515; *Knapp* v. *Callaway*, 52 Fed. (2nd) 476; *U. S.* v. *Krumm*, 269 Fed. 848; *A. O. Andersen & Co.* v. *U. S.* 284 Fed. 542; *U. S.* v. *200 Cases of Canned Salmon*, 289 Fed. 157; *U. S.* v. *200 Cases of Catsup*, 211 Fed. 780. These cases are not at all inconsistent with the observation frequently made (e. g., *U. S.* v. *Lexington Mill & Elevator Co.*, 232 U. S. 399) that the primary objective of the statute was to prevent injury to the public health. Rather, they recognize, at least tacitly, the power of Congress to decide for itself what classes of products in interstate commerce might endanger the public health. It is true that in some of these cases the judge in his opinion stated that the particular subject matter of condemnation with which the court was there concerned was unfit for food. But in none of the cases cited, nor in any other case that I have found, has it ever been held that a finding by the court that the subject matter was unfit for food was essential to a decree: a bare finding that the subject matter consisted at least in part of decomposed matter was legally sufficient.

"Such then was the uniform construction of the earlier act of 1906. And the act of 1938 follows the earlier act (on this point) so closely that it is only reasonable to infer that Congress intended to continue the substance of the earlier act as judicially construed. This conclusion is further confirmed by Senate Report No. 361, March 13, 1935, on S. 5, calendar 375, 74th Congress, First Session, introduced by Senator Copeland on January 3, 1935. This report states: 'the provisions of section 301 (2), (3), and (5) (later incorporated into 21 U. S. C. A. 342 (a)) dealing with filthy food and food from diseased animals are essentially the same as those of the present law.' And the report of the Committee on Interstate and Foreign Commerce, 75th Congress, Third Session, on S. 5, states: 'The measure * * * amplified and strengthens the provisions to safeguard the public health.' Thus clearly Congress intended that the clause 'or if it is otherwise unfit for food,' which the act of 1938 added to the earlier act, should enlarge rather than restrict the class of products subject to condemnation.

"Some of the Government witnesses in their testimony took the position that the product here involved, although not deleterious to health, was nonetheless unfit for food. As my findings in paragraph 7 show, I have been unable to find any convincing proofs here to substantiate this distinction.

"But the mere fact that under my construction of the act cases may occasionally occur—of which this is perhaps one—in which a product is condemned though not actually unfit for food, by no means demonstrates that I have erroneously construed the act. It suggests only that Congress considered that the unrestricted circulation in interstate commerce of foods containing decomposed substances was a practice fraught with such dangerous tendencies that that broad class of substances should be prescribed. But section 306 of the act, 21 U. S. C. A. 336, vests a broad discretion in the Secretary of Agriculture to forego the prosecution of 'minor violations.' Thus Congress definitely recognized that cases might occasionally fall within the ban of the act as having a dangerous tendency, even though the tendency, in the judgment of the Secretary, was too slight or remote to justify prosecution. In other words, the *degree* of the violation is important only for its effect upon the administrative discretion; it affects not at all the scope of the legislative ban which the judicial power when once invoked must apply."

On April 18, 1942, judgment of condemnation was entered, and the product was ordered released to the claimant under bond, conditioned that certain codes which previous examination had shown to contain decomposed material be separated from the lot and destroyed, and that the balance be examined further and the bad portion separated and destroyed under the supervision of the Food and Drug Administration.

**3762. Adulteration of tomato paste. U. S. v. 700 Cases of Tomato Paste (and 2 other seizure actions against tomato paste). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6513, 6515–6517, incl. Sample Nos. 22869–E, 22870–E, 23239–E, 23240–E, 23701–E, 23702–E, 23703–E.)

On December 15, 16, and 29, 1941, the United States attorney for the District of Maryland, the Eastern District of Louisiana, and the Eastern District of New York filed libels against 2,840 cases of tomato paste at New Orleans, La., 325 cases at Baltimore, Md., and 1,000 cases at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19 and 22, 1941, by Herschel California Fruit Products Co., Inc., from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Contadina [or "Pacific Star"] Tomato Paste."

On January 17, 1942, an order was entered in the District of Maryland, permitting the packer, Herschel California Fruit Products Co., Inc., and the Government to take samples; and ordering that 10 cases which had been seized but were not included in the libel, be returned to the owner. On March 30, April 8, and June 23, 1942, no claim having been entered, judgments of condemnation were entered, and the product was ordered destroyed.

**3763. Adulteration of tomato paste. U. S. v. 124 Cases of Tomato Paste (and 2 other seizure actions against tomato paste). Consent decree of condemnation. Product ordered released under bond for segregation and destruction of decomposed portion.** (F. D. C. Nos. 6971, 7147, 7426, 7427. Sample Nos. 81551–E, 81609–E, 81613–E, 81738–E.)

Between March 3 and May 2, 1942, the United States attorney for the District of Colorado filed libels against 232 cases of tomato paste at Denver, and 77 cases at Colorado Springs, Colo., which had been consigned by Herschel California

Fruit Products Co., Inc., alleging that the article had been shipped in interstate commerce on or about September 24 and November 8, 1941, from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Contadina [or "Pacific Star"] Tomato Paste."

On August 3, 1942, Herschel California Fruit Products Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portions.

**3764. Adulteration of tomato paste. U. S. v. 600 Cases of Tomato Paste. Consent decree ordering portion of product condemned and destroyed, and the remainder released.** (F. D. C. No. 6970. Sample Nos. 81369–E, 81549–E.)

On March 3, 1942, the United States attorney for the District of Colorado filed a libel against 600 cases each containing 100 6-ounce cans of tomato paste at Denver, Colo., which had been consigned by the Riverbank Canning Co., alleging that the article had been shipped in interstate commerce on or about December 17, 1941, from Riverbank, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Zelo Brand Choice Quality Pure Tomato Paste."

On June 4, 1942, the Riverbank Canning Co., claimant, having admitted that a portion of the article, identified by certain codes, was adulterated, judgment was entered condemning the said codes and ordering that they be destroyed. The claimant having denied that the remaining codes were adulterated and the court having found that the charge of adulteration with respect to such codes was not sustained, they were ordered delivered to the claimant.

**3765. Adulteration of tomato puree. U. S. v. 220 Cases, 147 Cases, and 102 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7075, 7112, 7375. Sample Nos. 71696–E, 71699–E, 71834–E.)

On March 20 and 28 and April 22, 1942, the United States attorneys for the Eastern District of Missouri and the Western District of Tennessee filed libels against 367 cases each containing 6 No. 10 cans of tomato puree at St. Louis, Mo., and 102 cases each containing 6 No. 10 cans of tomato puree at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about June 28, 1941, to on or about March 18, 1942, by Everitt Packing Co. from Underwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Haase's Magic Circle Brand Tomato Puree. A. C. L. Haase Co. Distributors" or "Ever-It Brand Tomato Puree."

On May 8 and 27 and June 20, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3766. Adulteration of tomato puree. U. S. v. 280 Cases and 245 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7345, 7371. Sample Nos. 66190–E, 71424–E, 71425–E.)

On April 17 and 24, 1942, the United States attorneys for the Northern District of Illinois and the Eastern District of Missouri filed libels against 280 cases each containing 6 No. 10 cans of tomato puree at Chicago, Ill., and 245 cases each containing 48 10½-ounce cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8 and 15, 1941, and January 9, 1942, by Hougland Packing Co. from Franklin, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Franklin Brand Whole Tomato Puree," or "American Lady [or "Topmost"] Tomato Puree."

On June 20 and 30, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3767. Adulteration of tomato puree. U. S. v. 149 Cases and 95 Cases of Tomato Puree. Decrees of condemnation and destruction.** (F. D. C. Nos. 7327, 7620. Sample Nos. 66191–E, 86576–E.)

On April 15 and June 11, 1942, the United States attorney for the Northern District of Illinois filed libels against 149 cases each containing 48 10½-ounce cans and 95 cases each containing 6 No. 10 cans of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 11 and May 7 and 23, 1942, by Loudon Packing Co. from Terre Haute, Ind.; and charging that it was adulterated in that it consisted in whole or in

part of a decomposed substance. The article was labeled in part: (Cans) "Mary Jane Watson Tomato Puree * * * Distributed by Grocers Wholesale, Incorporated, Chicago, Ill."; or "Loudon Brand Tomato Puree."

On June 10, 1942, no claimant having appeared for the 149 cases of tomato puree, judgment of condemnation was entered and the product was ordered destroyed. On June 19, 1942, the consignee for the remainder of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3768. Adulteration of tomato puree. U. S. v. 67 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 7326. Sample No. 71266–E.)

On April 14, 1942, the United States attorney for the Southern District of Iowa filed a libel against 67 cases of tomato puree at Davenport, Iowa, alleging that the article had been shipped in interstate commerce on or about February 24, 1942, by Salamonie Packing Co. from Warren, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Usona Brand Tomato Puree * * * Distributed By Smith Bros. & Burdick Co. Davenport, Iowa."

On July 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## OTHER FRUIT AND VEGETABLE PRODUCTS

**3769. Adulteration of Kakolate, prune butter, fig filling, diced fruit, and apricot butter. U. S. v. Henry & Henry, Inc., and Gerald B. Henry. Pleas of guilty. Fine, $500 against each defendant. Sentence suspended with respect to Gerald B. Henry.** (F. D. C. No. 7266. Samples Nos. 54504–E, 64372–E, 75761–E, 75950–E, 79319–E.)

These products contained rodent hairs and, in some instances, insect fragments.

On May 25, 1942, the United States attorney for the Western District of New York filed an information against Henry & Henry, Inc., Buffalo, N. Y., and Gerald B. Henry, alleging shipment on or about October 20, 23, and 24, 1941, from the State of New York into the States of Pennsylvania, Maine, Massachusetts, and Ohio, of quantities of the above-named products which were adulterated in that they consisted in whole or in part of filthy and decomposed substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On June 11, 1942, the defendants entered pleas of guilty to all counts of the information, and each was filed $100 on each of the five counts, totaling $1,000. Payment of the fine imposed against the individual defendant, Gerald B. Henry, was suspended.

**3770. Adulteration of apple butter. U. S. v. 1,295 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. D C. No. 6815. Sample No. 60692–E.)

This product contained insect and worm fragments and hairs resembling rodent hairs.

On February 7, 1942, the United States attorney for the Western District of Washington filed a libel against 1,295 cases of apple butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 11, 1941, by the Bliss Syrup & Preserving Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Pallas Brand Apple Butter."

On August 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3771. Misbranding of canned apple sauce. U. S. v. 31 Cases of Canned Apple Sauce. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 7357. Sample No. 70760–E.)

This product was not of Fancy quality, as labeled, because of the presence of fairly large pieces of peel, portions of seeds, carpels, portions of calyx end, and countless smaller black and brown specks.

On April 18, 1942, the United States attorney for the Western District of North Carolina filed a libel against 31 cases, each containing 24 cans of apple sauce at Charlotte, N. C., alleging that the article had been shipped in interstate commerce by the Bowman Apple Products Co., from Mount Jackson, Va., on or about October 9, 1941; and charging that it was misbranded in that the term "Fancy," on the label, was false and misleading as applied to an article that was not

of Fancy quality. It was labeled in part: "Bowman's Fancy Apple Sauce. Sugar Added Contents 1 Lb. 1 Oz."

On June 19, 1942, no claimant having appeared, judgment of condemnation and destruction was entered; and on July 11, 1942, the decree was amended to permit delivery of the product to a charitable institution.

**3772. Adulteration and misbranding of preserves. U. S. v. 14 Cases of Strawberry Preserves and 26 Cases of Assorted Preserves. Default decree of condemnation and destruction.** (F. D. C. No. 7548. Sample Nos. 72181–E to 72186–E, incl.)

Examination of these products showed the presence of insect fragments and rodentlike hairs. All flavors but the strawberry were found to be deficient in fruit.

On May 27, 1942, the United States attorney for the District of Arizona filed a libel against 14 cases of strawberry preserves and 26 cases of assorted preserves at Yuma, Ariz., alleging that the articles had been shipped in interstate commerce on or about March 16, 1942 by the Golden West Products Co. from Los Angeles, Calif.; and charging that they were adulterated and that portions were misbranded. The articles were labeled in part: "Bonny Brae Brand Pure Strawberry [or "Black Raspberry," "Blackberry," "Boysenberry," or "Youngberry"] Preserves."

All flavors were alleged to be adulterated in that they consisted in whole or in part of filthy substances and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. All flavors but strawberry were alleged to be adulterated further in that articles deficient in fruit had been substituted in whole or in part for pure black raspberry, blackberry, boysenberry, or youngberry preserves, as defined by regulations as provided by law.

All flavors with the exception of the strawberry were alleged to be misbranded in that the names "Pure Black Raspberry [or "Blackberry," "Boysenberry," or "Youngberry"] Preserves" were false and misleading as applied to articles that were deficient in fruit; (2) in that they were imitations of other foods and the labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that they purported to be and were represented as foods for which definitions and standards of identity had been prescribed by regulations as provided by law but they failed to conform to such definitions and standards since they did not contain the amounts of fruit specified in the regulations.

On June 23, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**3773. Adulteration of pickle stock in brine. U. S. v. 25 Barrels and 24 Barrels of Pickle Stock in Brine. Default decree of condemnation and destruction.** (F. D. C. No. 7551. Sample Nos. 89750–E, 89751–E.)

This product contained rodent hair and insect fragments and a portion also contained decomposed pickles.

On May 25, 1942, the United States attorney for the Eastern District of New York filed a libel against 49 unlabeled barrels of pickle stock in brine at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce on or about January 1 and April 18, 1942, by the Universal Pickle Works, from East New Market, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On June 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3774. Adulteration of relish. U. S. v. 19½ Dozen Jars of Relish. Default decree of condemnation and destruction.** (F. D. C. No. 7358. Sample No. 84367–E.)

This product contained insect fragments and hairs resembling those of rodents.

On April 17, 1942, the United States attorney for the District of New Jersey filed a libel against 19½ dozen jars of relish at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 18 to on or about March 17, 1942, by Harriet De Solms from Norristown, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jars) "Mrs. Sands Hot Spiced Bar-be-que Relish."

On July 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## DRIED FRUITS

**3775. Adulteration of apple chops. U. S. v. 692 Bags of Apple Chops. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 7497. Sample No. 86757–E.)

This product had been stored under insanitary conditions after shipment in interstate commerce and, when examined, contained rat pellets and hairs resembling rodent hairs; many of the bags had been gnawed by rats, and rodent pellets were found on and between the bags.

On May 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 692 bags of apple chops at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, from Berryville, Va., that it was in possession of the D. B. Scully Syrup Co., Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On July 15, 1942, the D. B. Scully Syrup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good portion be salvaged.

**3776. Adulteration of dried apples. U. S. v. 15 Bags of Dried Apples (and 3 other seizure actions against dried apples). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 6137 to 6139, incl., 6532. Sample Nos. 59450–E, 59451–E, 59453–E to 59455–E, incl., 59497–T, 59498–E.)

Examination showed that this product contained insect fragments and rodent hair fragments.

On November 4 and December 16, 1941, the United States attorney for the Eastern District of Virginia filed libels against 114 50-pound sacks and 46 25-pound sacks of dried apples at Suffolk, 278 50-pound bags of dried apples at Richmond, and 224 50-pound bags and 50 25-pound bags of dried apples at Petersburg, Va., alleging that the article had been shipped in interstate commerce within the period from on or about September 3 to on or about November 5, 1941, by E. E. Eller Produce Co., Inc., from North Wilkesboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 22, 1942, no claimant having appeared for the apples seized at Richmond, judgment of condemnation was entered, and on May 23, 1942, the product was ordered released under bond to David Wallerstein & Co., Richmond, Va. It was sold as animal feed. On August 1, 1942, Harwell Bros. & Gibbs, Inc., Petersburg, Va., claimant for the apples seized at Petersburg, having admitted the allegations of the libel and petitioned for release of the product to be disposed of for hog and cattle feeding, judgment of condemnation was entered and the product was ordered released under bond for disposition under the supervision of the Food and Drug Administration. It was denatured by the addition of 10 percent of charcoal. On January 21, 1943, the claimant for the product seized at Suffolk having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3777. Adulteration of dried apricots. U. S. v. 22 Cases of Apricots. Default decree of condemnation and destruction.** (F. D. C. No. 7090. Sample No. 83716–E.)

This product was insect-infested.

On March 25, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 22 25-pound cases of apricots at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 30, 1941, by Encinal Terminals from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Bird Brand Dried Slab Apricots * * * Distributed By Dubon Company Inc. New Orleans, La."

On July 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3778. Adulteration of dried fruits. U. S. v. 129 Boxes of Dried Peaches and 16 Boxes of Mixed Fruits (and 1 other seizure action against dried peaches). Consent decrees of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. Nos. 6992, 7010. Sample Nos. 81547–E, 81561–E, 81562–E, 81563–E.)

On March 4 and 10, 1942, the United States attorney for the Southern District of California filed libels against 200 25-pound boxes of dried peaches and 16

25-pound boxes of mixed fruits at Fresno, Calif., alleging that the articles had been shipped in interstate commerce on or about February 26, 1942, by Knoebel Mercantile Co. from Denver, Colo.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. These dried fruits originally had been shipped from Fresno, Calif., by the Vagim Packing Co. to Denver and were returned by the consignee. The articles were labeled in part: "Plump and Meaty Brand Choice Recleaned Yellow Peaches [or "California Mixed Fruits * * * Contains Peaches Pears Apricots Prunes"] Packed By Vagim Packing Co."

On April 17, 1942, Vagim Packing Co., Fresno, Calif., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the products were ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The products were sorted with the object of eliminating all unfit fruit. The sorting was only partially successful and all but 44 cases were denatured and sold as hog feed.

**3779. Adulteration of dried pears. U. S. v. Dominic Schiro (D. Schiro). Plea of guilty. Fine, $250.** (F. D. C. No. 7239. Sample No. 22865–E.)

Samples of this product were found to contain insect excreta pellets, dead insects and larva, and rodent or other animal hairs.

On June 12, 1942, the United States attorney for the Northern District of California filed an information against Dominic Schiro, trading as D. Schiro at San Francisco, Calif., alleging shipment on or about November 14, 1941, from the State of California into the State of New York of a quantity of dried pears which were adulterated in that they consisted in whole or in part of a filthy substance.

On June 30, 1942, a plea of guilty was entered by the defendant and the court imposed a fine of $250.

**3780. Adulteration of dried pears. U. S. v. 78 Boxes of Dried Pears. Default decree of condemnation and destruction.** (F. D. C. No. 7492. Sample No. 86557–E.)

Examination of this product showed that it was insect-infested.

On May 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 78 boxes of dried pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 28, 1942, by Peloian Packing Co. from Reedley, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Extra Choice Northern Pears Distributed By Sprague, Warner & Co. Chicago, Ill."

On July 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3781. Adulteration of dried pears. U. S. v. 14 Cases of Dried Pears. Default decree of condemnation and destruction.** (F. D. C. No. 7479. Sample Nos. 93318–E, 93448–E.)

Examination showed that this product was insect-infested and dirty and that it contained rodent pellet fragments.

On May 7, 1942, the United States attorney for the Western District of Washington filed a libel against 14 cases of dried pears at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Valley View Packing Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Valley View Brand Extra Choice Light Nor. Pears."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## POULTRY

**3782. Adulteration of dressed poultry. U. S. v. Cudahy Packing Co. Plea of guilty. Fine, $100 and costs.** (F. D. C. No. 7218. Sample No. 62445–E.)

On May 28, 1942, the United States attorney for the District of Nebraska filed an information against the Cudahy Packing Co., a corporation, at Omaha, Nebr., alleging shipment on or about November 6, 1941 from the State of Nebraska into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a putrid and decomposed substance, and in that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On June 16, 1942, plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100 and costs.

**3783. Adulteration of poultry. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, $75.** (F. D. C. No. 7228. Sample No. 41000–E.)

On May 26, 1942, the United States attorney for the District of Minnesota filed an information against the Farmers Cooperative Creamery Co., a corporation, at Pelican Rapids, Minn., alleging shipment on or about October 23, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals.

On May 26, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $75.

**3784. Adulteration of poultry. U. S. v. Tracy Produce Co., Inc. Plea of guilty. Fine, $25.** (F. D. C. No. 7219. Sample No. 62448–E.)

On June 9, 1942, the United States attorney for the District of Minnesota filed an information against Tracy Produce Co., Inc., Tracy, Minn., alleging shipment on or about September 24, 1941, from the State of Minnesota into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance; and in that it was in whole or in part the product of diseased animals.

On June 9, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

**3785. Adulteration of dressed poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 7378. Sample No. 77111–E.)

On April 21, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 2 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 14, 1942, by Priebe & Sons, Inc., from Stockley, Del.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3786. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 6984. Sample No. 69349–E.)

Examination showed the presence of diseased and decomposed birds.

On March 5, 1942, the United States attorney for the Southern District of New York filed a libel against 2 barrels of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1942, by the H & H Poultry Co. from Selbyville, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3787. Adulteration of poultry. U. S. v. 7 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 7173. Sample Nos. 54735–E, 54736–E.)

On April 10, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 7 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped by Millsboro Poultry Co. from Millsboro, Del., on or about April 3, 1942; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals. It was labeled in part "Hutt Choice."

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3788. Misbranding and alleged adulteration of canned turkey. U. S. v. 19 Cases of Turkey Meat. Default decree of condemnation. Product ordered delivered to a Federal institution.** (F. D. C. No. 6964. Sample No. 85621–E.)

This product consisted of turkey meat and giblets, containing excessive amounts of broth. It was packed in glass jars in such manner that twice as much light as dark meat was visible, while it actually consisted of about equal proportions of white and dark meat. It was also short of the declared weight.

On March 4, 1942, the United States attorney for the Western District of Washington filed a libel against 19 cases of turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 12 and February 2, 1942, by Mrs. Fay Leatherwood from Oakland, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net. A. Magano Co. Distributors. Seattle, Wash."

The article was alleged to be adulterated in that a mixture of turkey meat, giblets, and excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading as applied to an article which contained giblets and broth in addition to turkey meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article which was short weight; (3) in that its containers were so filled as to be misleading; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (5) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

**3789. Misbranding and alleged adulteration of canned boneless turkey meat. U. S. v. 20 Cases of Boneless Turkey Meat. Default decree of condemnation. Product ordered delivered to a Federal institution.** (F. D. C. No. 6847. Sample No. 85325-E.)

This product, which consisted of white and dark meat in about equal proportions, was packed in glass jars. Large pieces of the meat, ¾ of which was white meat sliced fairly thin (⅛ to ¼ inch) were faced against the sides and bottom of the jar. The remaining space was filled with slices, pieces, and broth. The product was also short of the declared weight.

On February 18, 1942, the United States attorney for the Western District of Washington filed a libel against 20 cases of canned turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Baird's Kitchen from Oakland, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net A. Magnano Co. Distributors Seattle, Wash."

It was alleged to be adulterated in that a mixture of white and dark turkey meat with excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading since it contained broth in addition to meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article that was short weight; (3) in that the container was so filled as to be misleading since while it consisted of about equal parts of white and dark meat, the meat was so placed in the jar that 25 percent of dark meat and 75 percent of white meat were visible through the glass, giving the impression of a greater proportion of white meat than was present and none of the broth was visible; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and delivered to a Federal institution.

## NUTS AND NUT PRODUCTS

**3790. Action to enjoin and restrain introduction and delivery for introduction in interstate commerce of adulterated pecan meats. U. S. v. Louis D. Acker, H. W. Lancaster, and William M. Wilder, individually, and as copartners trading as Acker Pecan Products Co., Thronateeska Nut Co., and Wilder Pecan Co., and Wilder Pecan Co., a corporation. Consent decree perpetually enjoining defendants as prayed in complaint.** (Inj. No. 29.)

On March 27, 1942, the United States attorney for the Middle District of Georgia filed a bill of complaint against Louis D. Acker, H. W. Lancaster, and William M. Wilder of Albany, Ga., individually and as copartners, trading as the Acker Pecan Products Co., Thronateeska Nut Co., and the Wilder Pecan Co. The complaint

was subsequently amended in order to include the Wilder Pecan Co., a corporation, Albany, Ga. The complaint alleged that the defendants from on or about February 27, 1940, to the date of filing the complaint had been shelling and packing pecan meats under insanitary conditions whereby they might have become contaminated with filth; that the food so prepared and packed was adulterated in that it consisted in whole or in part of a filthy substance which was unfit for food and that it was being offered for interstate shipment at various intervals; that the defendants had been warned to remedy the defects existing in their method of operation and warned not to ship products which were adulterated; that they had failed to remedy the said defects and were continuously shelling and packing adulterated pecans; and that the complainant believed they would continue to ship such food in interstate commerce. The complaint prayed (1) that the defendants be summoned to appear on a certain day and answer the allegations of the complaint; (2) that after hearing a preliminary injunction be issued; and (3) that after due proceedings the preliminary injunction be made permanent.

On March 27, 1942, the defendants were ordered to show cause why a preliminary injunction should not issue as prayed. On April 21, 1942, no answer having been filed and the defendants having consented to the entry of a decree, judgment was entered perpetually enjoining the defendants and all persons acting on their behalf from introducing or delivering for introduction in interstate commerce any adulterated pecans or other food products which they had processed or manufactured or would process or manufacture in the future.

**3791. Adulteration of black walnut meats. U. S. v. 11 Barrels of Walnut Meats (and 2 other seizure actions against black walnut meats). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7041, 7092, 7524, 7525. Sample Nos. 61219–E, 61233–E, 61240–E, 61273–E, 61274–E.)

All four lots of this product were found to contain *Escherichia coli*, indicating pollution of fecal origin. Two of the lots also contained hairs resembling those of rodents, and one lot contained moldy nuts.

On March 16 and 27 and May 19, 1942, the United States attorney for the Western District of Washington filed libels against a total of 23 barrels and 20 boxes of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 17, 1941, to on or about April 14, 1942, by F. M. Pfeiffer from Chico, Calif.; and charging that it was adulterated. Portions of the article were labeled in part: (Box) "Calif. Black Walnuts Fine"; or (barrel) "Golden Bear California Black Walnut Kernels."

Adulteration was alleged with respect to three of the lots in that they consisted in whole or in part of filthy substances; and with respect to the remaining lot, that it consisted in whole or in part of a filthy and decomposed substance.

On July 22, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3792. Adulteration of black walnut meats. U. S. v. 5 Boxes of Black Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 7158. Sample No. 71264–E.)

This product contained *E. coli*.

On April 8, 1942, the United States attorney for the Southern District of Illinois filed a libel against 5 boxes of black walnut meats at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Mound City Shelled Nut Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 27, 1942 no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3793. Adulteration of shelled walnuts. U. S. v. 2 Cartons and 6 Cartons of Shelled Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 7365. Sample Nos. 72796–E, 72797–E.)

This product contained rodent hairs.

On April 21, 1942, the United States attorney for the District of Arizona filed a libel against 8 25-pound cartons of shelled walnuts at Phoenix, Ariz., alleging that the article had been shipped on or about March 17, 1942, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with

filth. The article was labeled in part: (Carton) "Packed For General Grocery Co. California Shelled Walnuts Light Halves [or "Light Pieces"]."

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3794. Adulteration of walnut meats. U. S. v. 67 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7542. Sample Nos. 61298–E, 85677–E.)

Examination showed that this product was insect-infested.

On June 2, 1942, the United States attorney for the Western District of Washington filed a libel against 67 cartons, each containing 25 pounds of walnut meats, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7 and 8, 1942, by Morris Rosenberg from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 9, 1942, Morris Rosenberg, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

## PEANUT BUTTER

**3795. Adulteration and misbranding of peanut butter. U. S. v. 39 Cases and 38 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7401. Sample Nos. 84586–E, 84587–E.)

Examination showed that this product contained dirt; also that a portion was short of the declared weight.

On April 28, 1942, the United States attorney for the Northern District of New York filed a libel against 77 cases, each containing 12 jars of peanut butter—39 cases at Syracuse, N. Y., and 38 cases at Oswego, N. Y., alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was adulterated and misbranded. It was labeled in part: "Golden Tint Brand * * * Peanut Butter 2 Lbs. Net Weight [or "24 ozs. Net Weight"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot seized at Oswego was alleged to be misbranded (1) in that the statements "2 Lbs. Net Weight" and "24 Ozs. Net Weight" were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3796. Adulteration and misbranding of peanut butter. U. S. v. 88 Cases, 47 Cases, and 68 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7512, 7988, 7989. Sample Nos. 92484–E, 92485–E, 93519–E.)

Samples of this product were found to contain rodent excreta, hairs resembling those of rodents, and dirt.

On May 15 and August 3 and 25, 1942, the United States attorneys for the Western District of Washington and the District of Arizona filed libels against 88 cases each containing 24 1-pound jars, 47 cases each containing 12 1½-pound jars, and 68 cases each containing 12 2-pound jars of peanut butter at Tacoma, Wash.; 27 cases each containing 12 2-pound jars of peanut butter at Phoenix, Ariz.; and 41 cases each containing 24 1-pound jars, 16 cases each containing 1 dozen 24-ounce jars, and 39 cases each containing 12 2-pound jars of peanut butter at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about March 9 and 24, 1942, by Swift & Co., in part from North Portland, Oreg., and in part from Fort Worth, Tex.; and charging that it was adulterated and that portions were also misbranded. The article was labeled in part: "Jane Goode Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The pound and 1½-pound jars located at Tucson were alleged to be misbranded (1) in that the statements "1 Lb. Net Weight" and "1 Lb. 8 Oz. Net" on the labels were false and misleading since the jars were short of the declared

weight; and (2) in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents.

On July 27, October 14, and November 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3797. Misbranding of peanut butter. U. S. v. 99 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7394. Sample Nos. 80070–E, 80743–E.)

This product was short of the declared weight.

On April 23, 1942, the United States attorney for the Southern District of Ohio filed a libel against 99 cases, each containing 24 jars, of peanut butter at Portsmouth, Ohio, which had been consigned on or about March 25, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; and charging that it was misbranded in that the statement on the jar label, "Contents 1 Pound," was false and misleading since it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Top-O Tops 'em all Peanut Butter Contents 1 Pound."

On May 21, 1942, Standard Food Products, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

## FATS AND OILS

### OLEOMARGARINE

**3798. Misbranding of oleomargarine. U. S. v. Churngold Corporation. Plea of guilty. Fine, $400.** (F. D. C. No. 7242. Sample Nos. 48772–E, 64371–E.)

On July 31, 1942, the United States attorney for the Southern District of Ohio filed an information against the Churngold Corporation, Cincinnati, Ohio, alleging shipment on or about October 16 and 19, 1941, from the State of Ohio into the States of Pennsylvania and Florida of quantities of oleomargarine that was misbranded. The article was labeled in part: "Blue Ribbon * * * Oleomargarine."

It was alleged to be misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulation as provided by law but which did not conform to such definition and standard since it contained less than 80 percent of fat, the amount required by the standard.

On August 7, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400.

**3799. Misbranding of oleomargarine. U. S. v. 106 Cases of Oleomargarine. Product ordered released under bond to be reprocessed and relabeled.** (F. D. C. No. 7043. Sample No. 53697–E.)

On March 14, 1942, the United States attorney for the District of Utah filed a libel against 106 cases, each containing 30 pounds, of oleomargarine at Salt Lake City, Utah, alleging that the article has been shipped in interstate commerce on or about February 23, 1942, by Vegetable Oil Products Co., Inc., from Wilmington, Calif.; and charging that it was misbranded. It was labeled in part: "Sunnybank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded: (1) In that the statement on the wrapper, "Vegetable Fat 81 percent," was false and misleading since it contained less than 81 percent of fat. (2) In that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat.

On March 17, 1942, Safeway Stores, Inc., Salt Lake City, Utah, having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be reprocessed and relabeled under the supervision of the Food and Drug Administration.

### OLIVE OIL

**3800. Adulteration and misbranding of oil. U. S. v. 55 1-Gallon Cans of Oil. Decree of condemnation. Product ordered destroyed.** (F. D. C. No. 2494. Sample No. 2827–E.)

On August 5, 1940, the United States attorney for the District of Maine filed a libel (amended October 1, 1940) against 55 1-gallon cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or

about July 15, 1940, by the Catania Importing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "One Gallon La-Spagnola Brand Oil 78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil."

The article was alleged to be adulterated (1) in that an artificially flavored and colored mixture of cottonseed oil and olive oil had been substituted wholly or in part for cottonseed oil and olive oil; (2) in that inferiority had been concealed by the addition of artificial flavoring and coloring; (3) in that artificial flavoring and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the wording and design of the labeling were false and misleading since they conveyed the impression that it was of foreign origin; (2) in that the statement "78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil" was false and misleading as applied to an artificially flavored and colored mixture of cottonseed oil and olive oil; (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that the label contained representations in a foreign language (Italian) and the information required by law to appear on the label did not appear thereon in the foreign language; (5) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; and (6) in that it contained artificial flavoring and artificial coloring and the label did not state that fact.

On December 23, 1941, the case having been called and heard, judgment of condemnation was entered and the product was ordered destroyed.

**3801. Adulteration and misbranding of olive oil. U. S. v. 67 Dozen Bottles of Olive Oil (and 7 other seizure actions against olive oil). Default decrees of condemnation. Portion of product distributed to charitable institutions; remainder ordered destroyed.** (F. D. C. Nos. 6065, 6103, 6108, 6214, 6215, 6575, 6649, 6687. Sample Nos. 17997-E, 25732-E, 25813-E, 25836-E, 42770-E, 49804-E, 66310-E, 66311-E, 84000-E.)

This product was represented to be imported olive oil but in two of the lots it consisted of a mixture of olive oil and cottonseed oil, and in the remaining lots, it consisted essentially of an oil or oils other than olive oil (mostly cottonseed oil or sesame seed oil) containing little or no olive oil.

Between October 23, 1941, and January 12, 1942, the United States attorneys for the Middle District of Alabama, Western District of Pennsylvania, Eastern District of Wisconsin, Eastern District of Louisiana, Northern District of Alabama, and the Southern District of Alabama, filed libels against 67 dozen bottles of olive oil at Andalusia, Ala., 21 cases at Blairsville, Pa., 36 cases at Milwaukee, Wis., 69 cases at New Orleans, La., 129 bottles at Birmingham, Ala., 63½ dozen bottles at Collinsville, Ala., and 11 dozen bottles at Brewton, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 19 to on or about October 3, 1941, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Pure Imported Burma Brand Olive Oil"; or "United Brand * * * Pure Imported Olive Oil Distributed by United Food Sales, Milwaukee, Wis."

Two of the lots were alleged to be adulterated in that a mixture of cottonseed oil and olive oil had been substituted wholly or in part for olive oil, which it purported to be. The remaining lots were alleged to be adulterated in that an oil or oils other than olive oil (in most instances cottonseed oil or sesame oil) and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article, with the exception of the lot seized at Birmingham, was alleged to be misbranded (1) in that the statement "Pure Imported Olive Oil" was false and misleading as applied to a substance consisting of a mixture of olive oil and cottonseed oil, or to substances consisting essentially of an oil or oils other than olive oil and containing little or no olive oil; and (2) in that it was offered for sale under the name of another food.

Within the period from November 25, 1941, to May 6, 1942, no claimant having appeared, judgments of condemnation were entered. The portions of the product located at Andalusia and Brewton, Ala., were ordered distributed to charitable institutions and the remainder was ordered destroyed.

**3802. Adulteration and misbranding of olive oil. U. S. v. 11 Cans, 3 Cans, and 58 Cans of Olive Oil. Product ordered released under bond to be relabeled.** (F. D. C. Nos. 6115, 6116. Sample Nos. 87204–E, 87205–E.)

Analysis showed that this product consisted essentially of cottonseed oil and contained little or no olive oil.

On November 1 and 13, 1941, the United States attorney for the Southern District of West Virginia filed libels against 72 gallon cans of olive oil at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about April 30 and August 2, 1941, by Enrico Fiorelli & Co. from Canton, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Italian Product Conte Savoia Pure Olive Oil."

The article was alleged to be adulterated in that a substance, cottonseed oil containing little or no olive oil, had been substituted in whole or in part for olive oil.

It was alleged to be misbranded: (1) In that the following statements were false and misleading, (main panels) "Italian Product * * * Pure Olive Oil Imported By * * * [similar statements in Italian]," and (side panels) "This olive oil is guaranteed to be absolutely pure under any chemical analysis Excellent for table use for cooking and medicinal purposes * * * [similar statements in Italian]." (2) In that it was offered for sale under the name of another food.

On April 15, 1942, General Sales Co., Charleston, W. Va., claimant having admitted the allegations of the libels, judgments were entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3803. Misbranding of vegetable oil. U. S. v. 21 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7459. Sample Nos. 86645–E, 86685–E.)

This product was not labeled to show the common or usual name of the ingredients; the name and address of the packer were inconspicuously placed on the label; it was short of the declared volume and undue prominence was given in the labeling to the statement "Italian Olive Oil."

On May 5, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 21 cases of vegetable oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by the V. Formusa Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Contents One Gallon Marconi Brand Superb Oil Contains 20% Italian Olive Oil and 80% Vegetable and Peanut Oils."

It was alleged to be misbranded (1) in that the design of medals, the undue prominence of the statement "Italian Olive Oil" and the statement "Marconi Oil 100%" were false and misleading since they created the impression that it was a foreign product; (2) in that the statement on the label, "Inspection Guaranteed," was misleading since it implied that the article had been inspected by an agency of the Government, which was not the case; (3) in that the statement "Contents One Gallon" was false and misleading as applied to an article that was short of the declared volume; (4) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; (5) in that the name and place of business of the packer, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (6) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On May 25, 1942, Vincent Formusa and Peter Formusa, trading as the V. Formusa Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3804. Adulteration and misbranding of olive oil. U. S. v. 18 Cans of Olive Oil. Default decree of condemnation and destruction.** (F. D. C. No. 6922. Sample No. 64681–E.)

Examination showed that this product consisted essentially of artificially flavored and colored cottonseed oil. It contained a coal-tar dye not certified for food use.

On February 24, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 18 gallon cans of olive oil at Kent, Pa., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Alberto Maltese from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Roberta Brand Pure Olive Oil Imported From Lucca Toscana Italy."

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded: (1) In that the following statements, (main panels) "Pure Olive Oil Imported From Lucca Toscana Italy * * * [similar statements in Italian and designs of gold medals, olive branches, and olives]," (side panels) "This Olive Oil is guaranteed to be absolutely pure under chemical analysis. * * * [similar statements in Italian, German, French and Spanish]," and (top) "Imported Pure Olive Oil," were false and misleading as applied to an article consisting essentially of artificially flavored and colored cottonseed oil. (2) In that it was offered for sale under the name of another food. (3) In that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On March 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions. On March 27, 1942, the decree was amended to provide for destruction of the product.

**3805. Misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Product ordered released under bond for relabeling.** (F. D. C. No. 7104. Sample No. 85139-E, 85289-E.)

This product was short of the declared weight.

On March 27, 1942, the United States attorney for the Eastern District of Washington filed a libel against 18 cases, each containing 24 bottles, of olive oil at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by the E. & J. Co. from Portland, Oreg.; and charging that it was misbranded. The article was labeled in part: "E & J Brand net wt. 4 ozs. Pure Virgin Olive Oil."

The article was alleged to be misbranded in that the statement "net wt. 4 ozs." was false and misleading, as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 8, 1942, Coffin Bros., Inc., Yakima, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

**3806. Misbranding of oil. U. S. v. 22 Cartons of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 6887. Sample No. 85595-E.)

This product consisted essentially of corn oil with a sufficient infusion of olives to simulate the odor and taste of olive oil. It was short of the declared volume.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 22 cartons, each containing 6 cans, of oil at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by Thos. Pipitone from New York, N. Y.; and charging that it was misbranded. It was labeled in part: (Main panels) "One Gallon Net Olio Superiore Bertola Brand Olive Infused Corn Oil Cured with Finest Olives."

The article was alleged to be misbranded (1) in that the statement "Olio Superiore" was false and misleading as applied to an imitation olive oil; (2) in that the statement "One Gallon Net" was false and misleading since the product was short volume; (3) in that it was an imitation of another food, olive oil, and

its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents; and (5) in that the label contained representations in a foreign language, Italian, and the information required by law to appear on the label (the word "imitation," the name of the food imitated, the quantity of contents, and the common or usual name of each ingredient) did not appear thereon in said foreign language.

On August 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3807. Misbranding of oil. U. S. v. 5 5-Gallon Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 7466. Sample No. 64778–E.)

This product was shipped in unlabeled cans and therefore failed to comply with certain labeling requirements of the law as indicated hereinafter.

On May 6, 1942, the United States attorney for the Western District of New York filed a libel against 5 5-gallon cans of oil at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1942, by Carmelo Polis from San Bernardino, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On June 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3808. Adulteration and misbranding of oil. U. S. v. 52 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 7543. Sample No. 86381–E.)

On May 25, 1942, the United States attorney for the Western District of Michigan filed a libel against 52 cans of oil at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, by Roma Macaroni Manufacturing Co., Inc., from Chicago, Ill., and charging that it was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon Roma Brand Pure Oil * * * Packed by J. A. Importing Co. Chicago, Ill."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil with some peanut oil, and containing little or no olive oil, had been substituted wholly or in part for a blend of 78 percent and cottonseed oil and 22 percent pure imported olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the can label, "One Gallon * * * A Superb Blend of 78% choice peanut and cottonseed salad oil and 22% pure Imported Olive Oil," were false and misleading since it consisted essentially of cottonseed oil with some peanut oil and little or no olive oil and the cans contained less than 1 gallon; (2) in that the name "Roma," together with the picture of an ocean steamer and the design of an Italian flag borne on the label were false and misleading since such name and picture represented and suggested that it was of Italian origin, whereas it was not; and (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## SACCHARINE PRODUCTS

### CANDY

**3809. Adulteration of candy. U. S. v. Charles E. Carter (Atlanta Candy Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year.** (F. D. C. No. 7230. Sample Nos. 37576–E, 37577–E, 37578–E.)

Filth, such as rodent hairs, insects, larvae, and miscellaneous insect fragments, was found in samples taken from these candies.

On June 10, 1942, the United States attorney for the Northern District of Georgia filed an information against Charles E. Carter, trading as Atlanta Candy Co. at Atlanta, Ga., alleging shipment on or about October 1 and 6, 1941, from

the State of Georgia into the States of North Carolina and Tennessee of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Quality Candy Tasty Stick [or "Tasty Bar"]."

On June 30, 1942, the defendant entered a plea of nolo contendere; and on July 17, 1942, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

**3810. Adulteration of candy. U. S. v. Brecht Candy Co. Plea of nolo contendere. Fines totaling $175.** (F. D. C. No. 6413. Sample Nos. 44775–E to 44777–E, incl., 44782–E, 44783–E, 44785–E, 44787–E, 44788–E, 44792–E, 44794–E to 44796–E, incl., 65023–E, 65030–E, 65033–E to 65039–E, incl., 65453–E to 65456–E, incl., 65603–E to 65605–E, incl.)

Examination showed that this product was contaminated with rodent hairs; and in some instances, rodent pellets, insect fragments, and other filth.

On March 18, 1942, the United States attorney for the District of Colorado filed an information against the Brecht Candy Co., a corporation at Denver, Colo., alleging shipment on or about April 24, 25, 28, and 29, 1941, from the State of Colorado into the States of Wyoming, Kansas, Nebraska, and New Mexico, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Cherry Caramel Chocolate"; Brecht's Real Fruits and Nuts Candy Bar"; "Cashew Chocolate Cake"; "Brecht's Orange Flavor [or "Chocolate"] Divinity"; "Mint Grandma Sticks"; "Candy Fruit Tablets"; "Brecht's Fudge"; "Handee Assorted Candies"; "Brecht's Banquet Candy Wafers"; "Cinnamon Candy Balls"; "Candy Orange Slices"; "Candy Cherries"; "Druggists Horehound Tablets"; "Scotch Ice"; "Airway Chocolates Imitation Vanilla [or "Orange," "Peppermint," or "Imitation Maple"] Cremes"; "Juicy Lemon Drops"; "Candy Black Crows"; "Butterscotch Buttons"; Airway Chocolate Chips"; "Rainbow Cocoanut Squares"; or "Candy Starbeams [or "Pickaninnies"]."

On April 16, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25 on each count, totaling $175.

**3811. Adulteration of marshmallows. U. S. v. James Doumak (Doumak's Marshmallow Co.). Plea of guilty. Fine, $200. Defendant placed on probation for 1 year.** (F D. C. No. 7199. Sample Nos. 53529–E, 53530–E, 60439–E, 60824–E, 60825–E, 61349–E, 65752–E.)

Samples of this product were found to contain rodent hairs, insect fragments, and nondescript dirt.

On June 15, 1942, the United States attorney for the Southern District of California filed an information against James Doumak, trading as Doumak's Marshmallow Co. at Los Angeles, Calif., alleging shipment within the period from on or about April 25 to on or about July 31, 1941, from the State of California into the States of Utah, Oregon, and Washington of quantities of marshmallows that were adulterated in that they consisted in whole or in part of a filthy substance; and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Mary Carolyn Marshmallows"; or "Snow White Marshmallows."

On July 20, 1942, the defendant entered a plea of guilty to all 5 counts of the information and the court imposed a fine of $100 on each of the first 2 counts. Imposition of sentence was suspended on the last 3 counts and the defendant was placed on probation for 1 year, the suspension to become permanent in the event of no violation within that time.

**3812. Adulteration of candy. U. S. v. R. H. Hardesty Co., Inc. Plea of guilty. Fine, $100.** (F D. C. No. 7191. Sample Nos. 48627–E, 50726–E to 50728–E, incl,. 50733–E, 50735–E, 59053–E, 59054–E.)

Rodent hairs and miscellaneous insect fragments were found in samples taken from these candies.

On June 18, 1942, the United States attorney for the Eastern District of Virginia filed an information against R. H. Hardesty Co., Inc., Richmond, Va., alleging shipment within the period from on or about July 26, 1940, to on or about September 12, 1941, from the State of Virginia into the States of South Carolina, North Carolina, and the District of Columbia of quantities of candy

that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hardesty's Marble Fudge," "Old Glory Sticks," "Union Squares," "Iced Cocoanut Gems," "Rainbow Jap," "Cluster Pops," "Coco Ices," "Buster Pops," or "Knock-out Pops."

One June 29, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

**3813. Adulteration of candy. U. S. v. Monroe Lewis (Lewis Sales Co.). Plea of guilty. Fine, $100.** (F. D. C. No. 7248. Sample Nos. 61798–E, 61799–E.)

This product contained mold.

On July 13, 1942, the United States attorney for the Western District of Washington filed an information against Monroe Lewis, trading as Lewis Sales Co., at Seattle, Wash., alleging shipment on or about October 13, 1941, from the State of Washington into the State of Oregon of a quantity of candy that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Terry's Chocolate Covered Rum & Butter Thins."

On August 4, 1942, the claimant having entered a plea of guilty, the court imposed a fine of $100.

**3814. Adulteration of candy. U. S. v. Mary Adams Candies, Inc. Plea of guilty. Fine, $100.** (F. D. C. No. 7235. Sample Nos. 51345–E, 51358–E, 84857–E, 90289–E, 90290–E, 90291–E.)

Hairs resembling those of rodents and insect fragments were found in samples taken from these candies.

On July 6, 1942, the United States attorney for the District of Massachusetts filed an information against Mary Adams Candies, Inc., Lynn, Mass., alleging shipment within the period from on or about April 30, 1941, to on or about January 5, 1942, from the State of Massachusetts into the States of New Hampshire, Connecticut, and Maine, of quantities of candies that were adulterated. The article was labeled variously in part: "Model Pepps Chocolate Covered Peppermints * * * Famous Candies Co. * * * Boston, Mass."; "Famous Brand HMH * * * Monogram Crisp & Chewy"; "Hand Dipped $ Dollar Line Assorted Chocolates"; and "Mary Adams Candies, the Superb package."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On August 3, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

**3815. Adulteration of candy. U. S. v. Manford Matzger and Nathan Matzger (Matzger Chocolate Co.). Pleas of nolo contendere. Fines, $1,000.** (F. D. C. No. 7317. Sample Nos. 85350–E to 85352–E, incl., 85364–E, 85365–E.)

This product contained rodent-like hairs and other filth.

On August 4, 1942, the United States attorney for the Northern District of California filed an information against Manford Matzger and Nathan Matzger, trading as Matzger Chocolate Co. at San Francisco, Calif., alleging shipment on or about February 3 and 16, 1942, from the State of California into the State of Oregon of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled variously: "Matzger's Big Marshmallow [or "Yum Yum" or "Wham"]."

On August 25, 1942, the defendants having entered pleas of nolo contendere, the court imposed a fine of $250 on each count against each defendant, a total of $1,000.

**3816. Adulteration of candy. U. S. v. Lucien L. Pravata (Pravata Candy Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation.** (F. D. C. No. 5528. Sample Nos. 9062–E, 9934–E, 11131–E, 35550–E, 35669–E.)

Analysis showed that this product contained one or more of various types of filth such as rodent hairs, insect fragments, whole insects, and larvae.

On January 15, 1942, the United States attorney for the Eastern District of Louisiana filed an information against Lucien L. Pravata, trading as Pravata Candy Co., New Orleans, La., alleging shipment within the period from on or

about August 27, 1940, to on or about February 7, 1941, from the State of Louisiana into the States of Texas and Mississippi of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pravata's Long Boy Kraut 1¢"; "Pravata's * * * Kandy Kones"; "Pravata's * * * Mountains"; or "Pravata's Yellow Monkey 1¢."

On August 12, 1942, the defendant having entered a plea of nolo contendere, the court suspended the imposition of sentence and the defendant was placed on probation for a period of 3 years.

**3817. Adulteration of candy. U. S. v. Voneiff-Drayer Co. Plea of guilty. Fine, $800 and costs.** (F. D. C. No. 6471. Sample Nos. 19382–E, 40627–E, 40862–E, 50333–E, 50334–E, 50590–E, 50591–E, 50882–E, 59038–E, 59040–E.)

Samples of this product were found to contain rodent hairs, larvae, and miscellaneous insect fragments.

On May 18, 1942, the United States attorney for the District of Maryland filed an information against Voneiff-Drayer Co., a corporation, Baltimore, Md., alleging shipment within the period from on or about March 15 to on or about September 18, 1941, from the State of Maryland into the States of Pennsylvania, Virginia, and the District of Columbia of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the article were labeled variously in part: "Miss America Decorated Egg [or "Chocolate Whipped Creams," "Quality Confections," "Rainbows," "Big Cees," "Chocolate Pegs," or "Caramels"]." The remainder was labeled in part: "Chocolate Peppermints * * * Packed Expressly for The Peoples Drug Stores, Inc., Washington, D. C."

On July 9, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100 on each of the 8 counts of the information, totaling $800, and costs.

**3818. Adulteration of candy. U. S. v. Warren Watkins (Warren Watkins Confectioners). Plea of guilty. Fine, $300.** (F. D. C. No. 7237. Sample Nos. 22358–E, 22878–E, 22879–E, 61599–E.)

This product contained hairs resembling those of rodents and beetles and beetle fragments.

On July 21, 1942, the United States attorney for the Southern District of California filed an information against Warren Watkins, trading as Warren Watkins Confectioners at Los Angeles, Calif., alleging shipment within the period from on or about June 6, 1941, to on or about November 5, 1941, from the State of California into the States of Washington and Nevada of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was variously labeled: "Vanilla Ruff,' "Nougat Chews," "Caramels," "Vanilla Cream," "Mint Patty," "Big Mint," or "Cherry Full."

On August 24, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $300.

**3819. Adulteration of candy. U. S. v. William Cataldo (William's Candy Co.). Plea of guilty. Fine, $125.** (F. D. C. No. 7278. Sample Nos. 75827–E, 75828–E, 75839–E, 84912–E, 90157–E.)

This product contained rodent hairs or hairs resembling rodent hairs.

On July 20, 1942, the United States attorney for the District of Massachusetts filed an information against William Cataldo, trading as William's Candy Co. at Somerville, Mass., alleging shipment within the period from on or about January 2 to on or about January 27, 1942, from the State of Massachusetts into the States of Connecticut, Maine, and Vermont, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Farm-Hill Candies."

On July 27, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $125.

**3820. Adulteration of candy. U. S. v. 139½ Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6684. Sample No. 84140–E.)

Examination showed that this product contained rodent excreta and hairs resembling those of rodents.

On January 9, 1942, the United States attorney for the District of New Jersey filed a libel against 139½ cartons, each containing 24 1-pound packages, of candy at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 6 and 28, 1941, by the Boston Candy Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Package) "Branford Hand Dipped Chocolates * * * Servex Sales Corp. Distributors, Newark, N. J."

On August 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3821. Adulteration of marshmallows. U. S. v. 40 Cases of Marshmallows. Default decree of condemnation and destruction.** (F. D. C. No. 7402. Sample No. 92317–E.)

This product contained wood slivers.

On April 30, 1942, the United States attorney for the District of Arizona filed a libel against 40 cases of marshmallows at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about March 12 and 18, 1942, by Anthony Macaroni & Cracker Co. from Los Angeles, Calif.; and charging that it was adulterated in that it was a confectionery and contained a nonnutritive substance, wood slivers, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Party Brand 'Sofiest' Marshmallows."

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3822. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7424. Sample No. 93451–E.)

This product contained rodent hairs.

On May 2, 1942, the United States attorney for the Western District of Washington filed a libel against 12 cartons of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 6 and 8, 1942, from Oakland, Calif., by the California Peanut Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Carton) "Panned Choc. Fruit & Nut Mix."

On July 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3823. Adulteration of fondant. U. S. v. 6 Cans of Fondant. Default decree of condemnation and destruction.** (F. D. C. No. 6896. Sample No. 89047–E.)

This product contained rodent-hair and metal fragments.

On February 19, 1942, the United States attorney for the District of New Jersey filed a libel against 6 cans of fondant at Irvington, N. J., alleging that the article had been shipped in interstate commerce on or about January 15 and 30, 1942, by J. Cane & Sons, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in party of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Cans) "100 Lbs. Net Regina Brand Fondant."

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3824. Adulteration of candy. U. S. v. 46 Boxes and 80 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7185, 7384. Sample Nos. 48570–E, 70679–E.)

Examination showed that this product was contaminated with filth, such as insect fragments and hair fragments resembling rodent hairs.

On April 10 and 23, 1942, the United States attorneys for the Northern District of Alabama and the Eastern District of Tennessee filed libels against 46 boxes of candy at Florence, Ala., and 80 boxes of candy at Tracy City, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25

and April 10, 1942, by Carter Candy Co. from Marietta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Cannon Balls," "Peaco Bars," "Club Stick Peanut," "Cocoanut Bon Bons [or "Fudge Squares"]," "C-C-C Suckers," "Long Boy Sticks," or "Marshmallow Toasties."

On May 25 and June 12, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3825. Adulteration of candy. U. S. v. 9 Boxes, 11 Boxes, and 7 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7529. Sample No. 70474–E.)

This product contained insect fragments and larvae and hair fragments resembling rodent hairs.

On May 20, 1942, the United States attorney for the Eastern District of North Carolina filed a libel against 27 boxes of candy at Aiken, S. C., alleging that the article had been shipped in interstate commerce on or about May 7, 1942, by J. S. Fox Candy Co. from Augusta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "100 Count Mint Logs," "80 Count Honest Blocks," or "96 Count P-Nut Squares."

On July 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3826. Adulteration and misbranding of candy. U. S. v. 474 Boxes and 109 Boxes of Candies. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6876, 6983. Sample Nos. 90436–E, 90668–E.)

Examination of this product showed that it contained hairs resembling those of rodents; also, that the boxes did not contain the amount of candy indicated by their outward appearance.

On February 17 and March 9, 1942, the United States attorneys for the District of New Hampshire and the District of Rhode Island filed libels against 474 boxes of candy at Manchester, N. H., and 109 boxes of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 29 and February 7, 1942, by the Gloria Chocolate Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Laura Lane Chocolates * * * One Pound Net"; or "Mary Morgan Assorted Chocolates One Pound Net * * * Packed For Mary Morgan Chocolates Co., Boston, Massachusetts."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that its containers were so filled as to be misleading, since, in the case of the Laura Lane chocolates, the candy did not occupy a reasonable amount of the available space, and in the case of the Mary Morgan chocolates, the bottom layers were not filled to capacity.

On March 27 and April 22, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3727. Adulteration of candy. U. S. v. 11 Cartons of Candy (and 3 additional seizures of candy). Default decrees of condemnation and destruction.** F. D. C. Nos. 6915, 6921. Sample Nos. 78034–E, 78035–E, 78036–E, 86807–E.)

This product contained rodent hairs and insect fragments.

On February 21 and 25, 1942, the United States attorneys for the Northern District of Illinois and the Western District of New York filed libels against 11 cartons of candy at Chicago, Ill., and 51 boxes of candy at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about January 26 and 30, 1942, by the John Mueller Licorice Co. from Cincinnati, Ohio; and charging that it was adulterated. It was labeled in part: "Lucky Seven Assortment," "Fair-N-Warmer Licorice Assortment," "Domino-Package Cigarette," or " 'Famous' Mueller Made Miami Mix Licorice Candy."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The portion located at Chicago, Ill., was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 17 and April 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3828. Adulteration of candy. U. S. v. 22 Boxes, 6 Boxes, 8 Boxes, and 7 Boxes of Candy (and 3 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7093, 7114 to 7116, incl. Sample Nos. 54651–E to 54653–E, incl., 84361–E to 84364–E, incl., 89161–E to 89164–E, incl.)

Samples of this product were found to contain filth such as rodent and human hairs, dirt, soot, plant fibers, metal fragments, splinters, and miscellaneous filth fragments.

On or about March 26 and 31 and April 1, 1942, the United States attorneys for the District of Connecticut, District of New Jersey, and the District of Delaware filed libels against 70 boxes of candy at New Haven, Conn., 43 boxes of candy at Morristown, N. J., and 55 boxes of candy at Wilmington, Del., alleging that the article had been shipped in interstate commerce within the period from on or about January 23 to on or about March 10, 1942, by Opera Chocolate Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Original Opera Fluffs [or "Nougatines"]," "Chocolate Imt. Maple Mallow" [or "Cherry Frappe"]," or "Opera Peanut Squares."

On April 21, May 8, and August 25, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3829. Adulteration of candy. U. S. v. 24 Cartons and 53 Boxes of Candy (and 1 other seizure action against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7454, 7537. Sample Nos. 62468–E, 80752–E, 80754–E.)

Examination of this product showed the presence of insect fragments and rodent hairs.

On May 4 and 21, 1942, the United States attorneys for the Southern District of Indiana and the Eastern District of Michigan filed libels against 24 30-pound cartons and 53 5-pound boxes of candy at Indianapolis, Ind.; and 67 boxes each containing 24 candies at Bay City, Mich., alleging that the article had been shipped in interstate commerce on or about April 16 and 17, 1942, by the P. S. Truesdell Co. from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part variously: "Assorted Ices"; "Flying Jells (120 count)"; and "5¢ Cream Cocoanut Clusters."

On June 4 and July 9, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3830. Adulteration of candy. U. S. v. 166 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7109. Sample No. 48408–E.)

This product contained fragments of insects and of hair resembling those of rodents.

On March 30, 1942 the United States attorney for the Eastern District of South Carolina filed a libel against 166 boxes of candy at Sumter, S. C., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by the United Candy Co. from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3831. Adulteration of candy. U. S. v. 8 Dozen Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6943. Sample No. 84899–E.)

This product contained hairs resembling those of rodents.

On February 28, 1942, the United States attorney for the District of Connecticut filed a libel against 8 dozen boxes of candy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by William's Candy Co. from Somerville, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Farm-Hill Candies Chocolates & Bon-Bons."

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3832. Adulteration of preserved fruits and preserved ginger. U. S. v. 26 Dozen, 14 Dozen, 133 Dozen, and 77 Dozen Packages of Preserved Fruits (and 1 other seizure of preserved fruits and preserved ginger). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6628, 6712. Sample Nos. 84191–E, 84192–E, 84709–E to 84712–E, incl.)

These products contained rodent-hair and insect fragments and miscellaneous filth.

On December 31, 1941, and January 14, 1942, the United States attorney for the District of New Jersey filed libels against 260 dozen packages each containing 3 ounces of preserved fruits, and 5 cartons each containing 36 dozen 3-ounce packages of preserved ginger at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about September 12 to on or about December 6, 1941, by B. M. Reeves, Inc., from Brooklyn, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part variously: "Fancy Uco Fruit * * * Preserved Mixed Diced Cherries, Pineapple, Citron, Lemon and Orange Peel"; "Fancy Uco Fruit * * * Cherries & Pineapple [or "Ginger," "Cherries," "Preserved Citron," or "Pineapple"]"; "Candied Uco Fruit * * * Pineapple * * * Distributors: Uco Food Corp., Newark, N. J."

On July 20 and August 7, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

## SUGAR

**3833. Adulteration of cane sugar. U. S. v. 186 Bags, 335 Bags, and 223 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 7068. Sample No. 85645–E.)

This product was in large part contaminated with salt water and had an abnormal odor and some portions of it had a fermented odor.

On March 19, 1942, the United States attorney for the Western District of Washington filed a libel against 744 100-pound bags of sugar at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about February 19, 1942, by Balfour, Guthrie & Co., Ltd., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food.

On April 21, 1942, Balfour, Guthrie & Co., Ltd., as general sales agent for the Insular Sugar Refining Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be reconditioned. On May 25, 1942, a supplemental order was entered permitting the claimant to ship the sugar to San Francisco to be re-refined under the supervision of the Food and Drug Administration, and ordering that any portion unfit for human consumption be held for further order of the court.

**3834. Adulteration of sugar. U. S. v. 210 and 7 Bags of Sugar. Decree of condemnation. Product ordered released under bond to be re-refined.** (F. D. C. No. 6614. Sample No. 67949–E.)

This product had been stored under insanitary conditions after shipment. When examined the bags of sugar bore heavy deposits of both rat and mouse excreta at all points exposed to view, urine stains were visible on a number of exposed bags, and actual cutting by rodents had occurred. The floor area surrounding the sacks was thickly strewn by an accumulation of rat and mouse pellets and other filth.

On or about December 29, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 210 100-pound bags and 7 10-pound bags of sugar in possession of Hurt Grocer Co. at Paragould, Ark., alleging that the article had been shipped in interstate commerce on or about June 9, July 3, and August 13, 1941, from Sugar Land, Tex.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy and decomposed substance and was otherwise unfit for food. The article was labeled in part: "Imperial Cane Sugar."

On February 4, 1942, the Hurt Grocer Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be returned to the refinery and re-refined under the supervision of the Food and Drug Administration.

**3835. Adulteration of string sugar. U. S. v. 296 Bags of String Sugar. Consent decree of condemnation and forfeiture. Product ordered released under bond to be re-refined.** (F. D. C. No. 6073. Sample No. 71501–E.)

Examination showed that this product contained rodent hairs, ants, and insect fragments.

On October 24, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 296 bags, each containing about 420 pounds, of string sugar at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 18, 1941, by J. A. Dumaine & Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 14, 1941, the Switzer Companies, St. Louis, Mo., claimant, having petitioned authority to withdraw samples of the seized goods, an order was entered permitting the petitioner and the Government to take such samples. On April 2, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be re-refined under the supervision of the Food and Drug Administration.

**3836. Adulteration of string sugar. U. S. v. 800 Bags of String Sugar. Consent decree of condemnation. Product ordered released under bond to be re-refined.** (F. D. C. No. 6074. Sample No. 71502–E.)

Examination showed that this product contained ants, insect fragments, and rodent hairs.

On October 24, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 800 100-pound bags of string sugar at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 18, 1941, by Smedes Bros., Inc., from Cade, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Oasis Softs."

On April 2, 1942, Switzer Companies, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was order d released under bond to be re-refined under the supervision of the Food and Drug Administration.

**3837. Adulteration of string sugar. U. S. v. 1,271 Bags of String Sugar. Consent decree of condemnation. Product ordered released under bond to be re-refined.** (F. D. C. No. 6076. Sample No. 71506–E.)

Examination showed that this product contained rodent excreta, rodent hairs, and insect fragments.

On October 24, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 1,271 bags, each containing 100 pounds, of string sugar at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Vermillion Sugar Co., Inc., from Abbeville, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 2, 1942, the Vermillion Sugar Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be re-refined under the supervision of the Food and Drug Administration.

## FOODS FOR SPECIAL DIETARY USE

**3838. Adulteration and misbranding of Adiron tablets. U. S. v. Lawrence M. Williams (Lawrence Laboratories). Plea of guilty. Fine, $250 and costs.** (F. D. C. No. 5531. Sample Nos. 60557–E, 60558–E.)

This product contained fewer units of vitamins A and D than it was represented to contain.

On February 27, 1942, the United States attorney for the Northern District of Illinois filed an information against Lawrence M. Williams, trading as Lawrence Laboratories, Chicago, Ill., alleging shipment in interstate commerce on or about March 7, 1941, from the State of Illinois into the State of Washington of a quantity of Adiron which was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, vitamins A and D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement on the label, "Adiron * * * Tablets, each contain * * * 1200 U. S. P. XI units Vitamin 'A' 180 U. S. P. XI Units Vitamin 'D'," was false and misleading since each tablet contained not more than 300 U. S. P. XI units of vitamin A, and not more than 100 U. S. P. XI units of vitamin D.

The information also alleged that it was adulterated and misbranded (and that another article, Floramucin, was misbranded) under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On March 3, 1942, a plea of guilty was entered to all charges and the court imposed a fine of $250, which covered all counts of the information.

**3839. Misbranding of Merlek Mineral Water. U. S. v. Michael Lee (Lee Bros.). Plea of nolo contendere. Fine, $1,000. Defendant placed on probation for 5 years.** (F. D. C. No. 5527. Sample No. 7399–E.)

This product consisted of sea water to which had been added a small amount of potassium iodide. Its labeling bore false and misleading claims regarding its mineral content and its efficacy in conditions of impaired health resulting from mineral deficiency.

On January 3, 1942, the United States attorney for the Northern District of California filed an information against Michael Lee, trading as Lee Bros. at Oakland, Calif., alleging shipment on or about May 18, 1940, from the State of California into the State of Arizona of a quantity of Merlek which was misbranded.

The article was alleged to be misbranded in that the statements, "Contains Parts Per Million (Approximate Analysis) Sodium & Potassium Chlorides: 28924.7 Magnesium Chloride: 3286.9 Magnesium Sulphate: 3106.7 Calcium Sulphate: 857.3 Calcium Chloride: 573.0 * * * Magnesium Bromide: 76.0 Alkaline Nitrates: 42.5 Traces of Phosphorus, Boron, Silica, Sodium Fluoride, Iron Oxide, Aluminum Oxide * * * Merlek is sold only to help supply minerals for mineral deficiency," borne on the label, were false and misleading since they represented and suggested that it contained the above-named minerals in amounts sufficient to contribute in an important respect to the requirements of the body for such minerals, and that it would be efficacious in conditions of impaired health resulting from deficiency of said minerals; whereas it would not contribute in an important respect to the requirements of the body for such minerals since it contained inconsequential amounts of minerals and would not be efficacious in conditions of impaired health resulting from deficiency of such minerals. It was alleged to be misbranded further in that its labeling was misleading since it failed to reveal the fact, material in the light of the representations in the labeling, that it consisted of sea water to which had been added a small amount of potassium iodide.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 729.

On June 9, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of $1,000 and placed the defendant on probation for 5 years.

**3840. Misbranding of Betene. U. S. v. 350 Cans and 130 Cans of Betene. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6877. Sample No. 64672–E.)

The labeling of this product bore false and misleading representations regarding its efficacy as an aid in weight control and as a tonic.

On February 16, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 216 cans (amended on March 21, 1942, to cover 480 cans) of Betene at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, from Rochester, N. Y., by the L. H. Stewart Corporation; and charging that it was misbranded.

Analysis of the article showed that it consisted essentially of a mixture of dried skim milk, dried egg yolk, soya bean tissues, wheat bran, wheat germ, salt, agar agar, calcium phosphate, chondrus (Irish moss), and saccharin, flavored with cocoa, vanillin, and coumarin, together with certain added vitamin substances.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that when consumed as directed, it would cause an increase in weight, would supply vigor and vitality to the user and that it constituted a sure, sane, safe, and effective way to reduce, were false and misleading since its consumption would not accomplish such results.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 732.

On May 21, 1942, the L. H. Stewart Corporation, claimant, having admitted that the allegations of the libel were substantially correct, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3841. Misbranding of Vita-Port Vitamin $B_1$ Tonic. U. S. v. 141 Bottles of Vita-Port Vitamin $B_1$ Tonic.** (F. D. C. No. 7539. Sample No. 87177–E.)

The labeling of this product bore false and misleading therapeutic claims.

On May 20, 1942, the United States attorney for the District of Columbia filed a libel against 141 bottles of Vita-Port Vitamin $B_1$ Tonic at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Super Cut Rate Drugs, Washington, D. C.; and charging that it was misbranded. It was labeled in part: "Each fluid ounce contains thiamine hydrochloride (Vitamin $B_1$) . . . 4 mg. (Equivalent to 1330 International Units) Alcohol 20 Per cent."

The article was alleged to be misbranded in that the following statements in the labeling, "Here's Health * * * Recommended for Underweight—Loss of Appetite Nervousness," were false and misleading since it would not be an effective treatment for such conditions.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drug and devices.

On June 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3842. Misbranding of wheat embryo. U. S. v. 34 Cans of Wheat Embryo. Default decree of condemnation and destruction.** (F. D. C. No. 6807. Sample No. 76077–E.)

The labeling of this product represented that it contained from 9 to 10 units of vitamin $B_1$ per gram and that 1 tablespoonful was equivalent in vitamin content to 8 cakes of yeast; whereas it contained not more than 7 units of vitamin $B_1$ per gram and the vitamin content of 1 tablespoonful was not equal to that of 8 yeast cakes. Furthermore, it was deficient in protein and its labeling bore false and misleading therapeutic claims.

On February 6, 1942, the United States attorney for the District of Minnesota filed a libel against 34 cans of wheat embryo at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: "Dr. Ray Wheat Embryo."

It was alleged to be misbranded (1) in that the statements, "Vitamin $B_1$ * * * 9–10 Units per Gram (International) Protein—37% * * * Carbohydrate (by difference) 48.5 * * * Wheat Germ Oil * * * 5.5," were false as applied to an article that contained a smaller amount of vitamin and protein content; (2) in that the statement, "Each Tablespoon of Dr. Ray 'Wheat Embryo' is equivalent in Vitamin $B_1$ Potency to approximately Eight Cakes of Regular Moist Compressed Yeast," was false since it would not furnish as much vitamin $B_1$ as is contained in 8 cakes of yeast; and (3) in that the statement on the label, "When indicated in Gastro-Intestinal Disorders, Dr. Ray Wheat Embryo should be cooked in with cereal for five minutes," was false and misleading, since it would imply that the article was of significant value in the treatment of all types of gastro-intestinal disturbances, when in fact, it was not.

The article was also charged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FLAVORS AND SPICES

**3843. Misbranding of vanilla extract. U. S. v. 76 Dozen Cartons of Extract of Vanilla. Decree of condemnation. Product ordered released under bond for the purpose of repackaging.** (F. D. C. No. 7511. Sample No. 73651–E.)

The cartons containing this product were exceptionally large, the bottle occupying not more than 26.30 percent of the capacity of the carton.

On or about May 18, 1942, the United States attorney for the Western District of Missouri filed a libel against 76 dozen cartons of extract of vanilla at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1941, and January 27, 1942, by the Twenhofel Manufacturing

Co. from Kansas City, Kans.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On May 25, 1942, the Twenhofel Manufacturing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged in suitable and proper containers under the supervision of the Food and Drug Administration.

**3844. Adulteration of chili peppers. U. S. v. 21 Bags of Mexican Chili Peppers. Default decree of condemnation and destruction.** (F. D. C. No. 7186. Sample No. 71821–E.)

This product had been stored, after its receipt in interstate commerce, in a rodent-infested storehouse, some of the bags and their contents had been chewed by rodents, and rodent hairs and pellets were found on the peppers.

On April 14, 1942, the United States attorney for the Western District of Tennessee filed a libel against 21 bags of chili peppers at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, from Los Angeles, Calif., and was in possession of Canova Foods, Inc. Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Tag) "To: Canova Foods Inc. 400 Tenn. Memphis, Tenn."

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3845. Adulteration of spices and adulteration and misbranding of celery seed. U. S. v. 77 Cases of Ground Black Pepper, et al. Default decree of condemnation and destruction.** (F. D. C. No. 7409. Sample Nos. 71962–E to 71968–E, incl.)

Rodent hairs, insect fragments, rodent pellet fragments, and feather fragments were found in samples taken from these products. The celery seed was also short of the declared weight.

On April 30, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 77 cases of ground black pepper, 7 cases of chili powder, 5 cases of celery seed, 8 cases of ground cinnamon, 5 cases of ground cloves, and 9 cases of ground ginger at Little Rock, Ark., alleging that they had been shipped in interstate commerce on or about February 26, 1942, by Canova Foods, Inc., from Memphis, Tenn. The articles were labeled in part "Canova Brand."

They were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The celery seed was alleged to be misbranded (1) in that the statement on the can, "1½ Ozs. Net Weight," was false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**3846. Adulteration and alleged misbranding of mustard and mustard bran. U. S. v. 93 Dozen Jars of Mustard and Mustard Bran. Default decree of condemnation and destruction.** (F. D. C. No. 7436. Sample No. 87958–E.)

In addition to containing rodent hair, this product also was found to be short of the declared weight.

On or about May 9, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 93 dozen 32-ounce jars of mustard and mustard bran at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by Siler Brokerage Co. from Bristol, Va.; and charging that it was adulterated and misbranded. It was labeded in part: (Jars) "Four Star Mustard and Mustard Bran * * * Manufactured by Dee's Foods Inc. Bristol, Va.-Tenn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with a filthy, putrid, or decomposed substance, so as to make it unfit for consumption as food.

It was alleged to be misbranded in that it was labeled "Contents 32 Oz. Net Wt."; whereas each jar of the mustard did not contain 32 ounces net weight.

On June 5, 1942, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

**3847. Adulteration of poppy seed. U. S. v. 6 Bags of Poppy Seed. Default decree of condemnation and destruction.** (F. D. C. No. 7472. Sample No. 80821-E.)

This product was white poppy seed which had been artificially colored with coal-tar colors to simulate blue poppy seeds.

On May 7, 1942, the United States attorney for the Northern District of Ohio filed a libel against 6 bags, each containing approximately 149 pounds, of poppy seed at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about April 6, 1942, by David G. Evans Coffee Co. from St. Louis, Mo.; and charging that it was adulterated in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added thereto or mixed or packed therewith, so as to make it appear better or of greater value than it was. It was labeled in part: "Artificially Colored Poppy Seed Royal Popcorn Co. Cleveland, Ohio."

On July 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS

**3848. Adulteration and alleged misbranding of cocktail mixer. U. S. v. 29 Cases of Cocktail Mixer. Consent decree of condemnation and destruction.** (F. D. C. No. 7528. Sample No. 44815-E.)

This product was an artificially colored mixture of lemon juice, citric acid, sugar, and water, imitating lemon juice in appearance and flavor. A cockroach, cat and rodent hairs, and nondescript dirt were found in samples examined.

On May 28, 1942, the United States attorney for the District of Wyoming filed a libel against 29 cases, each containing 12 bottles of cocktail mixer, at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to on or about February 6, 1942, by Colorado Tru-Fruit Juice Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Bar Maid Brand A Perfect Cocktail Mixer * * * Contains Citrus Flavor, Fruit Acid."

The article was alleged to be adulterated in that it consisted in whole or in party of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was an imitation of another food, lemon juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On June 8, 1942, the shipper and the consignee having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

**3849. Misbranding of gelatin dessert. U. S. v. 21 Boxes, 21 Boxes, and 42 Boxes of Gelatin Dessert. Default decree of condemnation and destruction.** (F. D. C. No. 7374. Sample Nos. 90229-E to 90231-E, incl.)

Each box of this product contained 6 wax paper envelopes of gelatin, which were packed upright in the box, each end open, but folded over and clipped. The powder occupied about one-third the height of the envelopes. The powder without the envelopes occupied on an average only about 15 percent of the space in the box.

On April 21, 1942, the United States attorney for the District of Massachusetts filed a libel against 84 boxes of gelatin dessert at Brookline, Mass., alleging that the article had been shipped in interstate commerce on or about March 25, 1942, by Dietetic Food Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading since the box and envelopes were too large for the amount of gelatin they contained. The article was labeled in part: "Dia-Mel * * * Gelatin Dessert Orange Flavor or ["Imitation Strawberry" or "Assorted"]."

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3850. Adulteration of horehound herb. U. S. v. 2 Bags of Horehound Herb. Default decree of condemnation and destruction.** (F. D. C. No. 7392. Sample No. 48568-E.)

This product, which was intended to be used in making confectionery, had been stored under insanitary conditions after its receipt in interstate commerce, and

when examined, was found to contain insect fragments and fragments of hairs resembling those of rodents.

On April 23, 1942, the United States attorney for the Northern District of Georgia filed a libel against 2 85-pound bags of horehound herb at Marietta, Ga., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, from Jersey City, N. J., that it was in possession of the Carter Candy Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was unlabeled.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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[1] Permanent injunction issued.
[2] Conspiracy to violate the Food, Drug, and Cosmetic Act.
[3] Contains an opinion of the court.

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[1] Permanent injunction issued.

[3] Contains an opinion of the court.

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[1] Permanent injunction issued.

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[2] Conspiracy to violate the Food, Drug, and Cosmetic Act.

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[1] Permanent injunction issued.

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Issued August 1943

# FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

# NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3851–4000

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 3, 1943.*

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## CEREAL PRODUCTS

### FLOUR

**Nos. 3851 to 3858** report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. The time of infestation was not determined.

**3851. Adulteration of flour. U. S. v. 60 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured for animal feed.** (F. D. C. No. 7936. Sample No. 28607–F.)

On July 17, 1942, the United States attorney for the Southern District of Florida filed a libel against 60 bags each containing 98 pounds of flour at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 28, 1942, by International Milling Co. from Greenville, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "White Prancer Flour Bleached."

On August 10, 1942, C. W. Zaring & Co., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of as animal feed.

**3852. Adulteration of flour. U. S. v. 233 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5949. Sample Nos. 39989–E to 39994–E, incl.)

On or about October 8, 1941, the United States attorney for the Western District of Missouri filed a libel against 121 24-pound bags, 92 48-pound bags, and 20 98-pound bags of flour at Joplin, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about July 9, 1941, to on or about September 16, 1941, by the Kansas Milling Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Triumph Flour," "Bleached Old Dutch Flour," "Dixie Maid Flour," "Golden Seal Fancy Patent Flour," or "The Mill on the Trail Flour."

On January 13, 1942, the Kansas Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of the Food and Drug Administration so that it could not be disposed of for human consumption.

**3853. Adulteration of flour. U. S. v. 783, 227, and 222 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. No. 8105. Sample Nos. 28315–F to 28326–F, incl.)

On or about August 17, 1942, the United States attorney for the Northern District of Georgia filed a libel against 783 24-pound, 227 48-pound, and 222 12-pound sacks of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about January 20 to on or about July 16, 1942, by the Mountain City Mill Co., Inc., from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Geo. Washington [or "Delicious," "Strict Good," "Big Talker," "Eagle," or "Best Maid"] * * * Self-Rising Flour Bleached"; or "Strict Good * * * Plain Flour Bleached."

On August 28, 1942, the Mountain City Mill Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of in compliance with the law.

**3854. Adulteration of flour. U. S. v. 21, 25, and 33 Bags of Flour. Product ordered released upon deposit of collateral.** (F. D. C. No. 5782. Sample Nos. 57855–E, 57856–E, 57857–E.)

On or about September 24, 1941, the United States attorney for the Western District of Missouri filed a libel against a total of 79 98-pound bags of flour at Bonnots Mill, Mo., alleging that the article had been shipped in interstate commerce on or about December 9, 1939, and May 27, 1941, by the Robinson Milling Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Patrician High Protein First Clear Bleached Flour," "Bleached Robin's Best Flour Fancy Short Patent," or "Bleached Certi-Test Flour High Protein Special."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On April 18, 1942, the decree of March 23, 1942, was set aside, and an order was entered releasing the product to the owner, the Meyer-Morfeld Milling Co., Bonnots Mill, Mo., upon deposit of cash collateral conditioned that it be disposed of in compliance with the law.

**3855. Adulteration of flour. U. S. v. 305 Bags and 2 Bags of Flour. Decree of condemnation. Product ordered released under bond to be denatured and disposed of as animal feed.** (F. D. C. No. 8031. Sample No. 28627–F.)

On or about August 11, 1942, the United States attorney for the Southern District of Florida filed a libel against 305 24-pound bags and 2 12-pound bags of flour at Madison, Fla., alleging that the article had been shipped in interstate commerce on or about March 25 and April 14, 1942, by the Washburn Crosby Flour Co. of General Mills, Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Washburn Crosby Pure Gold White as the Driven Snow, Bleached, Self-rising Flour."

On August 17, 1942, J. L. Studstill, Madison, Fla., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and disposed of for animal feed.

**3856. Adulteration of flour. U. S. v. 8 Sacks of Flour (and 12 additional seizure actions against flour). Decrees of condemnation. Portions of product ordered released under bond to be denatured and disposed of as animal feed. Remainder ordered destroyed or denatured.** (F. D. C. Nos. 7813, 7839, 7899, 7937, 7991, 8055, 8056, 8257 to 8260, incl., 8332, 8381. Sample Nos. 82106–E, 82108–E, 8910–F, 8911–F, 8912–F, 8914–F, 8916–F, 17830–F, 28114–F, 28602–F, 28608–F, 28609–F, 28618–F, 28623–F.)

Between July 1 and September 18, 1942, the United States attorneys for the Southern District of Florida, Southern District of Texas, and the Eastern District of New York filed libels against 22 98-pound sacks of flour at Miami, Fla., 227 5-pound sacks and 372 98-pound sacks of flour at Jacksonville, Fla., 29 98-pound sacks of flour at Orlando, Fla., 8 98-pound sacks and 4 48-pound sacks at Tampa, Fla., 20 98-pound sacks of flour at Sanford, Fla., 116 98-pound sacks of flour at Houston, Tex., and 6 140-pound sacks of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 8, 1942, to on or about July 15, 1942, by the Pillsbury Flour Mills Co. from Memphis, Tenn., Enid, Okla., Springfield, Ill., Minneapolis, Minn., and Ogden, Utah; and charging that it was adulterated. The article was labeled in part: "Pillsbury's Hotel and Restaurant H R Flour Bleached General Purpose"; "Pillsbury's Best XXXX All-Purpose Enriched Phosphated Flour Bleached"; "Old Mill Flour Bleached"; "Pillsbury's Pure [or "Medium"] Dark Rye Flour"; "Pillsbury's Special Medium Rye Flour"; "Pillsbury's Whole Wheat (fine ground) Flour"; "Pillsbury's Pure White Rye Flour"; or "Pillsbury's Picrust Flour Bleached."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On August 10 and October 8, 1942, C. W. Zaring and Co., Jacksonville, Fla., and J. Weingartner, Inc., Houston, Tex., having appeared as claimants, respectively, for 372 sacks of flour at Jacksonville and 51 sacks at Houston, judgments of condemnation were entered and the product covered by the seizures was ordered released under bond to be denatured and disposed of as animal feed. Between August 8, 1942, and January 6, 1943, no claimant having appeared for the remaining 11 lots, judgments of condemnation were entered and the flour located at Houston was ordered delivered to individuals to be denatured at their own expense under the supervision of the Food and Drug Administration and disposed of as animal feed and the remaining lots were ordered destroyed.

**3857. Adulteration of flour. U. S. v. 43 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 7629. Sample No. 70379–E.)

On or about June 29, 1942, the United States attorney for the Northern District of Florida filed a libel against 43 sacks of flour at Panama City, Fla., alleging that the article had been shipped in interstate commerce, in part on or about March 31, 1941, and in part some time during the year 1941, by the Ph. H. Postel Milling Co., from Mascoutah, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jack's Special Plain Flour."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3858. Adulteration of flour. U. S. v. 40 Bags of Flour (and 7 other seizure actions against flour). Decrees of condemnation. One lot ordered released under bond to be denatured. Remainder ordered destroyed with the exception of one lot which was ordered delivered to a charitable institution for use as hog or cattle feed.** (F. D. C. Nos. 7948, 8048, 8102, 8108, 8186, 8274, 8282, 8423 Sample Nos. 9221–F to 9224–F., incl., 9229–F to 9231–F, incl., 9233–F, 9431–F, 17803–F, 17817–F, 17827–F, 29017–F.)

Between July 21, 1942, and September 24, 1942, the United States attorneys for the District of New Jersey, Eastern District of New York, Southern District of New York, Eastern District of Louisiana, Southern District of Georgia and Southern District of Mississippi filed libels against 48 98-pound bags of flour at Jersey City, N. J., 27 98-pound bags of flour at Brooklyn, N. Y., 167 140-pound bags of flour at Maspeth, L. I., N. Y., 35 98-pound bags, 94 48-pound bags, 112 24-pound bags and 187 6-pound bags of flour at Donaldsonville, La., 106 20-pound bags, 99 24-pound bags, and 30 98-pound bags of flour at Baton Rouge, La., 70 12-pound bags of flour at Brunswick, Ga., and 74 98-pound bags of flour at Brookhaven, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about January 31, 1942, to on or about August 5, 1942, by the General Mills, Inc., from Buffalo, N. Y., Minneapolis, Minn., Wichita Falls, Tex., Jacksonville, Fla., Wichita, Kans., and Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy

substance. The article was labeled in part: (Bags) "Pecco Fancy Clear Bleached Flour Packed for J. Pechman & Co., Inc., New York, N. Y."; "Washburn Crosby * * * Radio Rye Flour Bleached"; "Hi-Protein Type Gold Medal Whole Wheat Flour"; "Washburn's Gold Medal * * * Enriched Self-Rising Flour"; "Texoka * * * 100% Whole Wheat Flour"; "Reliance Brand Phosphated Flour Bleached Packed for Consolidated Companies, Inc. Plaquemine, La."; "Enriched with Vitamins and Iron * * * Washburn Crosby Flour * * * Bleached Self-Rising Gold Medal Flour"; or "Bottom Dollar Bleached Self-Rising Flour," (sack) "Bleached Flour * * * Okoma Special."

On November 23, 1942, J. Pechman & Co., Inc., Maspeth, N. Y., claimant for the flour seized at that point, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration and disposition for uses other than human consumption.

Between August 4, 1942, and December 9, 1942, no claimant having appeared for the flour in the remaining seizures, judgments of condemnation were entered and the lot located at Brunswick was ordered delivered to a local charitable institution to be denatured and fed to cattle or hogs and the remaining lots were ordered destroyed.

**3859. Misbranding of flour. U. S. v. 304 Bags and 360 Bags of Flour. Decree of condemnation. Product ordered released under bond to be resacked and relabeled.** (F. D. C. No. 7605. Sample Nos. 78111–E, 78112–E.)

This product was short of the declared weight.

On June 4, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 304 5-pound bags and 360 10-pound bags of flour at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about February 16 to on or about March 20, 1942, by the Weber Flour Mills Co. from Salina, Kans.; and charging that it was misbranded. The article was labeled in part: "5 [or "10"] lbs. IGA Brand Family Flour Bleached * * * Packed for Independent Grocers Alliance Distributing Co., Chicago."

The article was alleged to be misbranded in that the statements "5 lbs." and "10 lbs." were false and misleading and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 27, 1942, the Weber Flour Mills Co., and Zarnitz Bros. Grocery Co., Wheeling, W. Va., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be resacked and relabeled under the supervision of the Food and Drug Administration.

## CORN MEAL

**3860. Adulteration of corn meal. U. S. v. 23 and 3 Bags of Corn Meal. Default decree of condemnation. Product ordered denatured and disposed of as hog feed.** (F. D. C. No. 7954. Sample No. 4702–F.)

This product contained rodent hairs and rodent excreta fragments.

On July 22, 1942, the United States attorney for the Southern District of Ohio filed a libel against 23 100-pound bags and 3 25-pound bags of corn meal at Cincinnati, Ohio, alleging that the article which had been consigned on or about July 8, 1942, had been shipped in interstate commerce by the Dorsel Co. from Newport, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 16, 1942, a supplemental decree was entered providing that the product be given to a public institution to be denatured and used as hog feed.

**3861. Adulteration of corn meal. U. S. v. 132 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 7635. Sample No. 79697–E.)

This product contained rodent excreta fragments and rodent hairs.

On June 9, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 132 bags of corn meal at Lothair, Ky., alleging that the article had been introduced into and transported in interstate commerce from the place of business of Jake Swarthout, Vernon, Ind., on or about May 27, 1942,

and charging that it was adulterated and that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Vernon Roller Mills Fresh Ground Corn Meal."

On July 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3862. Adulteration of corn meal. U. S. v. 18 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 7947. Sample No. 17802–F.)

This product was in interstate commerce when examined, at which time it was found to be insect-infested. The time of infestation was not determined.

On July 21, 1942, the United States attorney for the District of New Jersey filed a libel against 18 bags of corn meal at Jersey City, N. J., alleging that the article had been shipped from Indianapolis, Ind., on or about May 5, 1942, by the Lawrenceburg Roller Mills Division, Acme-Evans Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "100 Lbs. Plus Quality Town Talk White Corn Meal."

On August 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3863. Adulteration of corn meal. U. S. v. 195 and 113 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond for use as animal feed.** (F. D. C. No. 8038. Sample No. 28111–F.)

This product contained rodent hairs, rodent excreta, and insect fragments.

On August 5, 1942, the United States attorney for the Southern District of Florida filed a libel against 195 sacks, each containing 96 pounds of corn meal and 113 sacks, each containing 48 pounds of corn meal at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about July 13, 1942, by the Alabama Flour Mills, from Decatur, Ala., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Delight Unbolted Corn Meal."

On August 14, 1942, Bonacker Brothers, Inc., Tampa, Fla., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration and disposed of as animal feed.

**3864. Adulteration of corn meal. U. S. v. 108 Bales, each containing 5 Bags of Corn Meal. Decree of condemnation. Product ordered released under bond to be disposed of for animal feed.** (F. D. C. No. 7570. Sample No. 93561–E.)

This product had been stored under insanitary conditions after shipment and when examined the bales and bags had been gnawed by rodents and the floor surrounding the lot was littered with corn meal and chewed paper. Dead rodents were found in one bag and other bags showed evidence of rodent nests. Samples taken from the product contained mouse pellets and chewed paper.

On May 29, 1942, the United States attorney for the Western District of Washington filed a libel against 108 bales, each containing 5 bags, of corn meal at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 12, 1942, and that it was in possession of the Merchants Wholesale Grocery Company, Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "9 lbs. Victor Yellow Corn Meal."

On July 14, 1942, the Merchants Wholesale Grocery Co., Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of for animal feed only.

## MISCELLANEOUS

**3865. Misbranding of spaghetti. U. S. v. 499 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for repackaging.** (F. D. C. No. 7934. Sample No. 70900–E.)

This product occupied, on an average, less than 40 percent of the capacity of its container.

On July 22, 1942, the United States attorney for the Northern District of Georgia filed a libel against 499 cases, each containing 24 packages, of spaghetti at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 1 and 24, 1941, by the Ferlita Macaroni Co., Inc., from Tampa, Fla.; and charging that it was misbranded in that its container was so

made, formed, or filled as to be misleading. The article was labeled in part: (Pkgs.) "Tampa-Maid Brand Spaghetti 6 Ozs. Net Weight."

On August 26, 1942, the United Food Brokers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

**3866. Misbranding of macaroni and spaghetti. U. S. v. 52 Cases of Spaghetti and 13 Cases of Macaroni. Consent decree of condemnation. Products ordered destroyed.** (F. D. C. Nos. 2229, 2486. Sample Nos. 1344-E, 24337-E.)

The spaghetti occupied only about 30 percent of the capacity of the package and the elbow macaroni occupied on an average about 70 percent of the capacity of the package.

On June 18 and August 5, 1940, the United States attorneys for the District of Maryland and the District of Delaware filed libels against 52 cases of spaghetti at Baltimore, Md., and 13 cases of macaroni at Wilmington, Del., alleging that the articles had been shipped in interstate commerce within the period from on or about March 28 to or on about July 12, 1940, by the Krumm Macaroni Co., Inc., from Lebanon, Pa.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Duroni Spaghetti," or "Krumm's Elbow Macaroni."

On August 2 and September 6, 1940, the Keystone Macaroni Manufacturing Co. of Lebanon, Pa., claimant, filed answers to the libels denying that the products had been shipped by the Krumm Macaroni Co., Inc., and alleging that they had been shipped by the claimant which was the successor to the Krumm Macaroni Co., Inc., and further denying that the products were misbranded. On September 6, 1940, the claimant filed a petition in the United States District Court for the District of Maryland for consolidation of the cases for trial in that district. On September 13, 1940, the Government filed an answer to claimant's petition for consolidation of the cases denying that the issues involved were the same. On October 25, 1940, the claimant's motion was argued before the court and on October 29, 1940, the court ordered that the cases be consolidated and that the clerk transmit a copy of the order to the clerk of the District of Delaware with the request that the records of the action pending in that district be sent to the District of Maryland. On July 7, 1942, the claimant filed a motion to withdraw its answer and claim in the consolidated case and on the same date a judgment of condemnation was entered and the products were ordered destroyed.

**3867. Adulteration of soda crackers. U. S. v. 64 Boxes of Crispy Crackers. Default decree of condemnation and destruction.** (F. D. C. No. 7552. Sample No. 93139-E.)

Examination of this product showed that it was contaminated with petroleum oil.

On May 26, 1943, the United States attorney for the Eastern District of Washington filed a libel against 64 boxes of Crispy Crackers at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 2, 1942, by the Loose-Wiles Biscuit Co. from Spokane, Wash., to Boise, Idaho, but had been rejected by the consignee; and charging that it was adulterated in that it was unfit for food. It was labeled in part: "Sunshine Biscuits * * * Krispy Crackers."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3868. Adulteration of pies. U. S. v. Alton King (Mrs. King's Bakery). Plea of guilty. Fine, $200.** (F. D. C. No. 7217. Sample Nos. 48935-E, 48937-E, 48938-E, 48985-E, 48987-E.)

These products contained rodent hair fragments, insects, and insect fragments.

On June 25, 1942, the United States attorney for the Northern District of Georgia filed an information against Alton King, trading as Mrs. King's Bakery, at Atlanta, Ga., alleging shipment in interstate commerce on or about September 23 and November 25, 1941, from the State of Georgia into the State of South Carolina of quantities of pies that were adulterated. The articles were labeled in part: "Mrs. King's Quality Pies."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 21, 1942, the defendant entered a plea of guilty and on September 25, 1942, the court imposed a fine of $200.

**3869. Adulteration of vanilla wafers. U. S. v. 26 Dozen and 38 Dozen Cartons of Vanilla Wafers. Default decree of condemnation and destruction.** (F. D. C. Nos. 7650, 7928. Sample Nos. 70593–E, 82112–E.)

This product contained rodent-hair and insect fragments.

On or about June 22 and July 17, 1942, the United States attorney for the Southern District of Florida filed libels against 64 dozen cartons of vanilla wafers at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about May 16 and June 10, 1942, by Murray Bros. Co., from Augusta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cartons) "Southern Style Vanilla Wafers * * * Georgia-Carolina Cookie Co. Augusta, Georgia."

On August 6 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**Nos. 3870 to 3890** report the seizure of butter that contained excessive mold.

**3870. Adulteration of butter. U. S. v. 15 Cases and 39 Cartons of Butter. Default decree of condemnation. Product ordered disposed of in the manufacture of explosives.** (F. D. C. No. 7874. Sample Nos. 24101–F, 24102–F.)

On July 7, 1942, the United States attorney for the District of Columbia filed a libel against 54 cases and cartons, each containing 1 pound of butter, at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about June 26, 1942, by the Merchants Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Springfield Creamery Butter," or "Columbia Circle Creamery Butter."

On August 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 19, 1942, the decree was amended to provide for delivery of the product to a rendering company to be denatured in such manner that it could not be disposed of as food, under the joint supervision of the Food and Drug Administration and the United States marshal, and ultimately disposed of in the manufacture of explosives.

**3871. Adulteration of butter. U. S. v. 61 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for conversion to butter oil.** (F. D. C. No. 8123. Sample No. 16986–F.)

On or about July 23, 1942, the United States attorney for the District of New Jersey filed a libel against 61 65-pound cartons of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about July 7, 1942, by the Producers Creamery Co., from Kirksville, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part: "June Dairy Products Co. Inc. Distributors, Jersey City, N. J."

On October 15, 1942, the June Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

**3872. Adulteration of butter. U. S. v. 21½ Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7924. Sample No. 24301–F.)

On July 7, 1942, the United States attorney for the District of Maryland filed a libel against 21½ cases of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 1, 1942, by the Tri-State Butter Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Sunnydale Creamery Butter."

On August 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3873. Adulteration of butter. U. S. v. 325 Boxes of butter. Default decree of condemnation. Product ordered sold to a commercial concern for use for defense purposes.** (F. D. C. No. 7975. Sample No. 4501–F.)

On July 9, 1942, the United States attorney for the Southern District of Indiana filed a libel against 325 63-pound boxes of butter at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about June 29, 1942, by the Patton Creamery Co. from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food.

On August 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be rendered into inedible grease and disposed of for defense purposes.

**3874. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8095. Sample No. 22517–F.)

On July 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 tubs of butter, each tub containing 64 or 65 pounds, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1942, by the Chesapeake Dairy Products Co., Inc., from Mathews, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3875. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7921. Sample No. 94115–E.)

On June 30, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 2 cases of butter at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by Aro Creamery Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Blue Ribbon Brand Creamery Butter."

On August 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, the decree providing that destruction be accomplished by converting it into soap grease.

**3876. Adulteration of butter. U. S. v. 30 Pounds and 201 Pounds of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7909. Sample Nos. 78966–E, 78967–E.)

On June 25, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against a total of 231 pounds of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Pickway Dairy Cooperative Association, Inc., from Circleville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Wrappers of portion) "Great Lakes Brand Creamery Butter Distributed by Jersey Farm Products Co. Pittsburgh, Pa."; (wrappers of remainder) "Creamery Butter."

On August 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3877. Adulteration of butter. U. S. v. 2 Cartons, 2 Cartons, and 5 Cartons of Butter. Default decree of condemnation. Product ordered denatured and sold for war purposes.** (F. D. C. No. 7911. Sample No. 83130–E.)

On June 20, 1942, the United States attorney for the Northern District of Alabama filed a libel against 2 32-pound cartons and 7 30-pound cartons of butter, at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Cudahy Packing Co., from Nashville, Tenn.: and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Cudahy's Sunlight Creamery Butter," or "½ Lb. Patties."

On August 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 21, 1942, the decree was amended to provide that the product be denatured and sold as salvage fat to be used for war purposes.

**3878. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8130. Sample No. 22441–F.)

On August 5, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 tubs of butter, each containing 63, 64, or 65

pounds, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by the Milford Creamery, from Milford, Del.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3879. Adulteration of butter. U. S. v. 264 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be manufactured into refined butter oil.** (F. D. C. No. 7866. Sample No. 86976–E.)

On June 11, 1942, the United States attorney for the Northern District of Illinois filed a libel against 264 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 20, 1942, by the Producers Creamery Co. from Cabool, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On July 3, 1942, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be manufactured into refined butter oil and disposed of for purposes other than the manufacture of process butter.

**3880. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation. Product ordered denatured and disposed of as salvage fat.** (F. D. C. No. 7863. Sample No. 70797–E.)

On June 24, 1942, the United States attorney for the Middle District of North Carolina filed a libel against 11 cases of butter at Lexington, N. C., alleging that the article had been shipped in interstate commerce on or about June 11, 1942, by the Blue Valley Creamery from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Shipping cases) "Butter * * * Packed by Beatrice Creamery Louisville, Ky."

On July 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and disposed of as salvage fat.

**3881. Adulteration of butter. U. S. v. 84 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into refined butter oil.** (F. D. C. No. 7861. Sample No. 70492–E.)

On or about June 23, 1942, the United States attorney for the Western District of South Carolina filed a libel against 84 cases, each containing 24 half-pounds of butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Beatrice Creamery Company from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Valley Farm Brand Butter * * * Distributed by Blue Valley Creamery * * * Chicago, Ill."

On August 6, 1942, the Beatrice Creamery Company, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into refined butter oil under the supervision of the Food and Drug Administration.

**3882. Adulteration of butter. U. S. v. 304 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked into refined butter oil.** (F. D. C. No. 7914. Sample No. 86595-E.)

On June 30, 1942, the United States attorney for the Northern District of Illinois filed a libel against 304 cartons, each containing 58 pounds, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 1942, by the Beatrice Creamery Co., from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On July 29, 1942, the Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking into refined butter oil under the supervision of the Food and Drug Administration.

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**3883. Adulteration of butter. U. S. v. 19 Tubs and 10 Tubs of Butter. Default decree of condemnation, product ordered disposed of for salvage purposes.** (F. D. C. Nos. 8051 and 8052. Sample Nos. 16997–F and 16998–F.)

On July 24 and 25, 1942, the United States attorney for the Southern District of New York filed a libel against 29 tubs, each containing 62 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by Davis-Cleaver Produce Co., from Quincy, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to the New York City Salvage Committee for war purposes.

**3884. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation. Product ordered sold for use in the manufacture of soap.** (F. D. C. No. 7869. Sample No. 94104–E.)

On June 19, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 11 cases, each containing 30 pounds, of butter at East St. Louis, Ill., alleging that the article had been transported in interstate commerce on or about June 9, 1942, in a truck of the Hunter Packing Co., from St. Louis, Mo., to the place of business of the Hunter Packing Co., East St. Louis, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Carton) "One Pound Net Weight Hunter Creamery Butter Packed for Hunter Packing Co."; (wrapper) "Distributed By Beatrice Creamery Company."

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed as food but that it be sold for soap grease.

**3885. Adulteration of butter. U. S. v. 207 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked into butter oil.** (F. D. C. No. 7867. Sample No. 86983–E.)

On June 18, 1942, the United States attorney for the Northern District of Illinois filed a libel against 207 63-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 6, 1942, by Pruitt Produce Co. from Muskogee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part "Creamery Butter the Peter Fox Sons Co. Distributors."

On August 7, 1942, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked into butter oil under the supervision of a representative of the Food and Drug Administration.

**3886. Adulteration of butter. U. S. v. 900 Pounds of Tub Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7865. Sample No. 80876–E.)

On or about June 20, 1942, the United States attorney for the Southern District of Ohio filed a libel against 900 pounds of tub butter at Cincinnati, Ohio, which had been shipped on or about June 16, 1942, alleging that the article had been shipped by the Napoleon Creamery Co. from Napoleon, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food.

On August 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3887. Adulteration of butter. U. S. v. 94 Cartons of Butter (and 4 other seizure actions against butter). Decrees of condemnation. Portion of product ordered destroyed; portion ordered salvaged for war purposes; portion converted into refined butter oil; remainder ordered released under bond to be reworked.** (F. D. C. Nos. 7775, 7822, 7910, 7913, 8667. Sample Nos. 82102–E, 83137–E, 87096–E, 98083–E, 98084–E, 24347–F.)

One lot of this product was deficient in milk fat and the remaining lots contained mold.

Between June 9 and October 8, 1942, the United States attorneys for the District of Massachusetts, Southern District of Florida, Northern District of Alabama, Eastern District of Virginia, and the District of Maryland filed libels against 94 cartons of butter at Boston, Mass., 404 cases at Miami, Fla., 83 cartons at Birmingham, Ala., 90 boxes at Norfolk, Va., and 522 cases at Balti-

more, Md., alleging that the article had been shipped in interstate commerce within the period from on or about May 23, 1942, to on or about October 1, 1942, by the Sugar Creek Creamery Co. from Bristol, S. Dak., Louisville, Ky., and Dardanelle, Ark.; and charging that it was adulterated. The article was labeled in part: "Country Roll Creamery Butter Pasteurized Distributors Wilson & Co.," "Clear Brook Creamery Butter," "Daisy Maid Brand Creamery Butter," "Sugar Creek Butter," or "Quality Sweet."

That portion of the product located at Boston, Mass., was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The remainder of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

On June 30, 1942, and October 9, 1942, the Sugar Creek Creamery Co., claimant for the lots seized at Boston and Baltimore, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released upon the execution of a bond or the deposit of collateral conditioned that the former be reworked so that it contain 80 percent of milk fat and the latter lot be reprocessed and converted into refined butter oil. On May 29 and June 6 and 8, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the lots located at Miami and Birmingham were ordered denatured and salvaged for war purposes and the lot located at Norfolk was ordered destroyed.

**3888. Adulteration of butter. U. S. v. 25 Cases of Butter (and 3 other seizure actions against butter). Consent decree of condemnation entered for one lot; default decrees of condemnation entered for the remainder. One lot ordered destroyed; remainder ordered sold for commercial purposes.** (F. D. C. Nos. 7868, 7870, 7871, 7976. Sample Nos. 94101–E, 94106–E, 6002–F.)

One of these four lots of butter contained excessive mold, one was deficient in milk fat, and in the remaining two lots both conditions were found.

On or about June 19 and July 10, 1942, the United States attorneys for the Eastern District of Missouri, Eastern District of Illinois, and Western District of Tennessee filed libels against 53 32-pound cases and 25 30-pound cases of butter at St. Louis, Mo., 11 30-pound cases of butter at East St. Louis, Ill., and 3 63-pound tubs and 3 68-pound cubes of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about June 9 to on or about June 17, 1942, by Armour & Co. from East St. Louis, Ill., Elk City, Okla., St. Louis and Springfield, Mo.; and charging that it was adulterated. Portions of the article were labeled in part: "Goldendale Butter," or "Armour's Cloverbloom Butter."

The article in the 3 tubs and 3 cubes at Memphis, Tenn., was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The 53 cases of the product at St. Louis, Mo., were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The remaining lots were alleged to be adulterated in that they consisted in whole or in part of filthy substances and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 24, 1942, Armour & Co. having appeared as claimant for the 53 cases seized at St. Louis, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration. On July 21, August 29, and September 23, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were disposed of as follows: 25 cases were ordered sold on condition that they would be used in compliance with the law and were disposed of as tankage; the remaining 2 lots were ordered destroyed and were disposed of, in one instance as tankage, and, in the other, as soap stock.

**3889. Adulteration and misbranding of butter. U. S. v. 155 Pounds of Butter (and 10 additional seizure actions against butter). Decrees of condemnation. Portions of product ordered denatured and sold for technical purposes or destroyed; portion ordered delivered to a charitable institution; portion ordered released under bond for reworking.** (F. D. C. Nos. 7596, 7774, 7818, 7819, 7860, 7862, 7908, 7912, 7916, 7917, 7977. Sample Nos. 48698–E, 54581–E, 70500–E, 70599–E, 80782–E, 83136–E, 87100–E, 87990–E, 87991–E, 87992–E, 6004–F.)

One lot of this butter was short of the declared weight, one lot was low in milk fat, and the remaining lots contained excessive mold.

Between May 22 and July 10, 1942, the United States attorneys for the Southern District of Ohio, Eastern District of Pennsylvania, Southern District of West

Virginia, Southern District of Florida, Eastern District of South Carolina, Northern District of Alabama, Eastern District of Virginia, and Western District of Tennessee filed libels against a total of 155 1-pound cartons, 98 21/32 cases, each full case containing 32 pounds, 3 63-pound tubs, and 26 68-pound cubes of butter in various lots at Cincinnati, Ohio, Philadelphia, Pa., Charleston and Huntington, W. Va., Tampa and Miami, Fla., Charleston, S. C., Birmingham, Ala., Norfolk, Va., and Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 19 to June 26, 1942, by Armour Creameries, from Louisville, Ky., Springfield, Mo., and Bismarck, N. Dak.; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Armour's Cloverbloom Butter," or "Avondale Butter."

The portions seized at Charleston and Huntington, W. Va., Tampa and Miami, Fla., Charleston, S. C., Birmingham, Ala., Norfolk, Va., and Memphis, Tenn., were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed substances. The portion located at Philadelphia, Pa., was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat. The portion located at Cincinnati, Ohio, was alleged to be misbranded in that the statements (carton) "One Pound Net" and (wrapper) "¼ Lb. Net Weight" were false and misleading since the statements were not correct, the packages being short weight.

Between June 19 and October 26, 1942, no claimant having appeared, judgments of condemnation were entered in all cases. The portion which was located at Cincinnati was ordered delivered to a charitable institution; the portion which was located at Philadelphia was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration; those portions located at Charleston, W. Va., Miami, Huntington, and Birmingham were ordered denatured and disposed of for technical uses; and the portions located at Memphis, Norfolk, Tampa, and Charleston, S. C., were ordered destroyed.

**3890. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7624. Sample No. 80093-E.)

In addition to containing mold, this product was also short of the declared weight.

On May 8, 1942, the United States attorney for the Southern District of Ohio filed a libel against 14 cases of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about May 1, 1942, by the Napoleon Creamery from Napoleon, Ind.: and charging that it was adulterated and misbranded. The article was labeled in part: "¼ Lb. Net Wt. * * * Countryside Farm Products Co. Cincinnati, Ohio. 4 Oz. net."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. It was alleged to be misbranded in that it was in package form and its labeling was false and misleading, since the parchment wrappers were marked "¼ Lb. Net Wt. * * * 4 Oz. Net," whereas they contained less than that amount.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3891. Misbranding of butter. U. S. v. 58 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for repacking and relabeling.** (F. D. C. No. 7922. Sample No. 94157-E.)

On June 25, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 58 cases, each case containing 32 pounds, of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Gardiner Dairy & Ice Cream Co. from Garden City, Kans.; and charging that it was misbranded in that the prints did not contain 1 pound net as labeled. The article was labeled in part: (Cases) "Mayrose Creamery Butter Distributed by St. Louis Independent Packing Co. St. Louis Mo."; (wrappers of portion) "1 Lb. Net Weight"; (cartons of remainder) "One Pound Net Weight."

On July 18, 1942, the Gardiner Dairy & Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked

and relabeled so that it would comply with the law under the supervision of the Food and Drug Administration.

**Nos. 3892 to 3906** (and also **Nos. 3887 to 3889**) report the seizure and disposition of butter that was deficient in milk fat.

**3892. Adulteration of butter. U. S. v. 37 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7978. Sample No. 12109–F.)

On July 10, 1942, the United States attorney for the Western District of Washington filed a libel against 37 cubes, each containing 68 pounds, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 6, 1942, by Huggins Dairy Products from Lewiston Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 30, 1942, Walter Ely Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked, under the supervision of the Food and Drug Administration.

**3893. Adulteration of butter. U. S. v. 22 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 7642. Sample No. 89640–E.)

On or about June 2, 1942, the United States attorney for the District of New Jersey filed a libel against 22 cartons of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by the Sebeka Cooperative Creamery Association, from Sebeka, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter The Great A & P Tea Co. New York Distributors."

On July 7, 1942, the Sebeka Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**3894. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 7625. Sample No. 89636–E.)

On June 1, 1942, the United States attorney for the District of New Jersey filed a libel against 36 tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 17, 1942, by the Emerald Creamery Co., Emerald, Wis.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The article was labeled in part: "Butter * * * June Dairy Products Co. Inc. Distributors. Jersey City, N. J."

On July 23, 1942, the June Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**3895. Adulteration of butter. U. S. v. 29 Tubs and 13 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond for reworking.** (F. D. C. Nos. 7979, 7980. Sample Nos. 16982–F, 17905–F.)

On July 6 and July 13, 1942, the United States attorney for the Southern District of New York filed libels against a total of 42 tubs, each containing 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 29 and July 6, 1942, by the Orange Creamery from Orange, Va.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc. * * * New York, N. Y."

On July 21 and 29, 1942, the Orange Creamery, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**3896. Adulteration of butter. U. S. v. 105 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking.** (F. D. C. No. 8045. Sample No. 16991–F.)

On July 22, 1942, the United States attorney for the Southern District of New York filed a libel against 105 tubs, each containing 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by the Elliott Ice Co. from Charlottesville, Va.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc."

On August 4, 1942, the Elliott Ice Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration so that it contain not less than 80 percent by weight of milk fat.

**3897. Adulteration of butter. U. S. v. 19 Boxes of Butter. Product ordered released under bond for reworking.** (F. D. C. No. 8050. Sample No. 94309–E.)

On July 13, 1942, the United States attorney for the Western District of Missouri filed a libel against 19 boxes, each box containing 70 pounds, of butter at Carthage, Mo., alleging that the article had been shipped in interstate commerce on or about June 28, 1942, by the Carthage Creamery Co. from Shattuck, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 17, 1942, the Shattuck Community Creamery, Shattuck, Okla., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

**3898. Adulteration of butter. U. S. v. 6¾ Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7768. Sample Nos. 73678–E, 73679–E.)

On May 29, 1942, the United States attorney for the district of Kansas filed a libel against 6¾ cases, each case containing 32 1-pound prints, of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about May 23, 1942, by the Sni-A-Bar Creamery Co. from Independence, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Spring Brook Brand Creamery Butter. Armour Creameries Distributors."

On June 3, 1942, the Sni-A-Bar Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**3899. Adulteration of butter. U. S. v. 50 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 7769. Sample No. 98687–E.)

On May 27, 1942, the United States attorney for the District of Massachusetts filed a libel against 50 boxes of butter at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about May 12, 1942, by Bridgeman Russell Co. from Jamestown, N. D.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part "Butter Gr. A. & P. Tea Co., N. Y. Distributors."

On July 29, 1942, the Bridgeman Russell Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**3900. Adulteration of butter. U. S. v. 17 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7770. Sample No. 89688–E.)

On May 27, 1942, the United States attorney for the District of Massachusetts filed a libel against 17 boxes of butter at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about May 15, 1942, by the Northwest Dairy Forwarding Co. from Duluth, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent

by weight of milk fat had been substituted for butter. The article was labeled in part "Creamery Butter The Great A. & P. Tea Co. New York Distributors."

On July 27, 1942, the Clotho Farmers Creamery of Long Prairie, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**3901. Adulteration of butter. U. S. v. 7 Cartons of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 7919. Sample No. 89664–E.)

On July 2, 1942, the United States attorney for the Southern District of New York filed a libel against 7 cartons, each containing 48 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20 and 25, 1942, by the Meyer Zausner Co. from New Holland, Pa.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Regent * * * Butter * * * Zausner & Co., New York, N. Y. and new Holland, Pa."

On August 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

**3902. Adulteration of butter. U. S. v. 21 and 29 Cubes of Butter. Consent decrees of condemnation. Product released under bond for reconditioning.** (F. D. C. Nos. 7786, 8228. Sample Nos. 95413–E, 10490–F, 10491–F, 10494–F.)

On May 27 and June 17, 1942, the United States attorney for the Northern District of California filed libels against a total of 50 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 19 and July 8, 1942, by Shekter & Company from Portland, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 19 and July 21, 1942, Shekter & Company, claimant, having consented to the entry of a decree, the product was ordered released under bond conditioned that the product be made to conform to the provisions of law under the supervision of the Food and Drug Administration.

**3903. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 7787. Sample Nos. 95463–E, 95466–E.)

On June 6, 1942, the United States attorney for the Northern District of California filed a libel against 13 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 26, 1942, by the National Butter Co. from Dubuque, Iowa; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part "NBC Packed for National Butter Company Dubuque, Iowa."

On July 1, 1942, the Wilsey Bennett Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration.

**3904. Adulteration of butter. U. S. v. 15 Cubes of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7923. Sample Nos. 95478–E, 95481–E.)

On June 26, 1942, the United States attorney for the Northern District of California filed a libel against 15 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 18, 1942, by Farmers Equity Co-op. Creamery Association from Denver, Colo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 7, 1942, a claimant having appeared and the case having been submitted to the court on a stipulation of facts, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**3905. Adulteration of butter. U. S. v. 27 Cubes of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7974. Sample No. 95485–E.)

On July 3, 1942, the United States attorney for the Northern District of California filed a libel against 27 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 20, 1942, by the Reedsport Creamery of Reedsport, Oreg., from Marshfield, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 10, 1942, Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**3906. Adulteration of butter. U. S. v. 10 Tubs, 7 Tubs, and 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 7918 and 8001. Sample Nos. 89662–E, 16987–F, 16988–F.)

On June 30 and July 17, 1942, the United States attorney for the Southern District of New York filed a libel against 32 tubs, each containing 64 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 24 and July 13, 1942, by the Farmville Creamery Co., Inc., from Farmville, Va.: and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed By J. R. Kramer, Inc. * * * New York, N. Y."

On July 15 and 29, 1942, the Farmville Creamery Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration so that it contain not less than 80 percent of milk fat.

**3907. Adulteration of butter. U. S. v. North American Creameries, Inc., and Phillip J. Noonan. Pleas of guilty. Corporation fined $300. Phillip J. Noonan fined $50.** (F. D. C. No. 6475. Sample No. 56985–E.)

On May 26, 1942, the United States attorney for the District of Minnesota filed an information against North American Creameries, Inc., and Phillip J. Noonan, alleging shipment on or about October 6, 1941, from the State of Minnesota into the State of New Jersey of a quantity of butter that was adulterated in that a valuable constituent, namely, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted in part for butter. The article was labeled in part: "Butter Gr. A & P Tea Co. N. Y. Distributors."

On June 9, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $300 against the corporation and $50 against Phillip J. Noonan.

## CHEESE

**3908. Adulteration of cheese. U. S. v. 84 Boxes of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 7003. Sample No. 76506–E.)

This product contained rodent hairs.

On March 6, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 84 boxes of cheese at Thorpe, Wis., alleging that the article had been shipped in interstate commerce on or about February 19, 1942, by Parkin Bros. from Pine Island, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 17, 1942, the sole intervenor having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3909. Adulteration of cheese. U. S. v. 52 Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 7794. Sample No. 95131–E.)

This product had been stored under insanitary conditions after shipment and when examined was found to contain larvae, beetles, cheese mites, and rodent pellets, and to be extensively damaged by rodent chewing.

On June 24, 1942, the United States attorney for the District of Nevada filed a libel against 52 cheeses at Reno, Nev., alleging that the article had been shipped in interstate commerce within the period from on or about April 2, 1941, to on

or about May 7, 1942, from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and putrid substance. It was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth, i. e., the article had been stored in the basement of the Colombo Cafe, at Reno, Nev., on a shelf that was covered with rodent pellets and many pellets were found on the cheese and partially embedded therein.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3910. Adulteration of cheese. U. S. v. 8 Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 7803. Sample No. 95132–E.)

This product contained rodent-type hairs and cheese mites.

On June 25, 1942, the United States attorney for the District of Nevada filed a libel against 8 cheeses at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by A. Giurlani & Bro. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and putrid substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth. The libel alleged that it had been manufactured at the plant of the Sonoma Mission Creamery, Sonoma, Calif., an insanitary plant where the cheese had been exposed to contamination by rodents and cheese mites. Some of the cheeses were labeled in part: "Whole Milk Monterey Cheese Factory No. 681."

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3911. Adulteration of Cheddar cheese. U. S. v. 35 Boxes of Cheddar Cheese (and 2 additional seizure actions against Cheddar cheese). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7651, 8308, 8633. Sample Nos. 24449–F, 7565–F, 80519–E.)

Rodent hairs, insect fragments, and other extraneous matter were found in samples taken from shipments of these cheeses.

On June 16, September 2, and October 22, 1942, the United States attorneys for the Southern District of Ohio, District of Maryland, and Eastern District of Wisconsin filed libels against 35 boxes of cheese at Cincinnati, Ohio, 20 boxes of cheese at Cumberland, Md., and 159 boxes of cheese at Green Bay, Wis., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about September 15, 1942, by the Kraft Cheese Co., from Laurenceburg, Ky., Springfield, Mo., and Moorefield, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 12, December 14, and December 22, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3912. Adulteration of Cheddar cheese. U. S. v. 48 Boxes and 22 Boxes of Cheddar Cheese. Default decree ordering product destroyed or used for animal food.** (F. D. C. No. 5748. Sample Nos. 65335–E, 65336–E.)

Examination showed that this product contained insect fragments and nondescript dirt.

On September 15, 1941, the United States attorney for the District of Utah filed a libel against 70 boxes of Cheddar cheese at Salt Lake City, Utah, alleging that the product had been shipped in interstate commerce on or about August 21 and 28, 1941, by Brooklawn Creamery Co. from Mountain View, Wyo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 16, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed or used as animal food.

**3913. Adulteration of Cheddar cheese. U. S. v. 24 Hoops of Cheddar Cheese. Consent decree of condemnation. Product ordered destroyed.** (F. D. C. No. 7872. Sample No. 65281–E.)

This product contained rodent hair and excreta, insect fragments, plant fibers, metallic particles, and nondescript dirt.

On July 9, 1942, the United States attorney for the District of Colorado filed a libel against 24 hoops of Cheddar cheese (which had been consigned by the North Loup Cooperative Cheese Co.) at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 10, 1942, from North Loup, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Hoops) "Cudahy's Selected Countryside Cheese."

On August 3, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3914. Adulteration and misbranding of Cheddar cheese. U. S. v. 13 Boxes and 9 Boxes of Cheddar Cheese. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7105, 7376. Sample Nos. 76723–E, 76842–E.)

On March 27 and April 21, 1942, the United States attorney for the Western District of Wisconsin filed libels against 22 boxes of Cheddar cheese at New Richmond, Wis., alleging that the article had been shipped in interstate commerce on or about March 12 and March 30, 1942, by the Lawler Cooperative Creamery Association from Lawler, Minn.; and charging that it was adulterated and misbranded. It was alleged to be adulterated in that a product deficient in milk fat had been substituted wholly or in part for Cheddar cheese, which it purported to be. It was alleged to be misbranded in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since its solids contained less than 50 percent of milk fat.

On June 5 and July 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3915. Adulteration of cream cheese. U. S. v. 200 Cartons of Cream Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 7873. Sample No. 94988–E.)

This product contained insect fragments, straw fragments, rodent hair, and unidentified hairs.

On or about July 9, 1942, the United States attorney for the Northern District of Iowa filed a libel against 200 cartons, each containing 4 cream cheeses, at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about June 22, 1942, by Ethan Dairy Products Co. from Ethan, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "No. 1 Full Cream Cheese — 20 — Brookfield."

On August 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3916. Adulteration of process cheese. U. S. v. 197 Boxes and 27 Boxes of Process Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 7608. Sample Nos. 70375–E, 70376–E.)

Examination showed that this product contained rodent hairs and insect fragments.

On June 3, 1942, the United States attorney for the Middle District of Georgia filed a libel against a total of 224 boxes of cheese at Thomasville, Ga., alleging that the article had been shipped in interstate commerce on or about May 6, 1942, by Kentucky Cardinal Dairies, Inc., from Cynthiana, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Kentucky Cardinal Process American Cheese," or "Kentucky Cardinal Swiss in Process American Cheese."

On July 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CREAM AND MILK

**3917. Adulteration of cream. U. S. v. 1 10-gallon Can of Cream. Default decree of condemnation and destruction.** (F. D. C. No. 8021. Sample No. 15201–F.)

On July 9, 1942, the United States attorney for the District of Colorado filed a libel against 1 10-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 4, 1942, by W. E. Thompson from Sheridan, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 9, 1942, the consignee having consented to the entry of an order for immediate destruction of the product, judgment was entered ordering that it be destroyed.

**3918. Adulteration of cream. U. S. v. 2 5-Gallon Cans of Cream. Consent decree of condemnation and destruction.** (F. D. C. No. 8122. Sample Nos. 15203–F, 15204–F.)

On July 9, 1942, the United States attorney for the District of Colorado filed a libel against 2 5-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce, one can on or about July 4, 1942, by Richard Daugherty, from Alliance, Nebr., and the other can on or about July 5, 1942, by Roy Livingood, Kanorado, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On July 9, 1942, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product ordered destroyed.

**3919. Misbranding of Avoset Stabilized Cream. U. S. v. 199 Cases of Avoset. Default decree of condemnation. Product ordered destroyed or delivered to a public institution.** (F. D. C. No. 7859. Sample No. 61942–E.)

On July 6, 1942, the United States attorney for the District of Oregon filed a libel against 199 cases, each containing 36 half-pint bottles of the above-named product at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by Avoset, Inc., from San Francisco, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement "30 Per Cent Butterfat," appearing in the labeling, was false and misleading, since it contained less than 30 percent of butterfat; and in that the statement "Stabilized Cream It Keeps," appearing in the labeling, was false, since it suggested that stabilization would keep the article from spoiling, and that it would keep until used, whereas stabilization would not keep it from spoiling and the article would not keep until used, but, after opening, must be kept under refrigeration.

On August 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a public institution.

**3920. Adulteration of dry skim milk. U. S. v. 134 Drums of Dry Skim Milk. Consent decree of condemnation. Product released under bond for reprocessing for animal feed.** (F. D. C. No. 7574. Sample No. 83524–E.)

This product was packed in second-hand shortening drums which contained greasy, gritty material, and had a rancid odor. It contained rodent hairs and nondescript dirt.

On June 22, 1942, the United States attorney for the Northern District of Texas filed a libel against 134 drums of dry skim milk at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about March 29, 1942, by Clark's Dairy from Grand Rapids, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Roller Process Dry Skim Milk."

On August 3, 1942, the Otsego Sanitary Milk Products Co., Otsego, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing under the supervision of the Food and Drug Administration and disposal as animal feed.

## EGGS

**Nos. 3921 to 3927** report the seizure and disposition of frozen eggs that were in whole or in part decomposed.

**3921. Adulteration of frozen eggs. U. S. v. 500 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for sorting the sound from the unsound.** (F. D. C. No. 7849. Sample No. 85692–E.)

On July 2, 1942, the United States attorney for the Western District of Washington filed a libel against 500 cans of frozen eggs at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Fairmont Creamery Co. from Dodge City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Fancy Fairmont Frozen Fresh Eggs."

On August 10, 1942, the Fairmont Creamery Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that the sound portion be separated from the unsound portion and that both be disposed of under the supervision of the Food and Drug Administration. The unsound portion was destroyed.

**3922. Adulteration of frozen whole eggs. U. S. v. 45 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction.** F. D. C. No. 7900. Sample No. 17761–F.)

On July 15, 1942, the United States attorney for the Southern District of New York filed a libel against 45 30-pound cans of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 12, 1942, from Pittsburgh, Pa., by the Federal Cold Storage Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3923. Adulteration of frozen whole eggs. U. S. v. 500 Cases of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7926. Sample No. 12701–F.)

On July 15, 1942, the United States attorney for the Eastern District of Washington filed a libel against 500 cases of frozen eggs at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about June 15, 1942, by Fergus County Creamery, from Lewistown, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 29, 1942, Fergus County Creamery of Lewistown, Mont., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The cans containing decomposed eggs were destroyed.

**3924. Adulteration of frozen eggs. U. S. v. 138 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7846. Sample No. 89657–E.)

On July 2, 1942, the United States attorney for the Southern District of New York filed a libel against 138 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1942, by Sam Pollman Produce Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 15, 1942, the Middlewest Distributors of Frozen Eggs, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the portion unfit for human consumption be segregated under the supervision of the Food and Drug Administration and destroyed.

**3925. Adulteration of frozen eggs. U. S. v. 1,260 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7848. Sample Nos. 85691–E, 93168–E to 93170–E, incl.)

On July 6, 1942, the United States attorney for the Eastern District of Washington filed a libel against 1,260 cans of frozen eggs at Spokane, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to on or about June 1, 1942, by Nampa Creamery Co. from Nampa, Idaho; and charging that it was adulterated in that it consisted in whole

or in part of a decomposed substance. The article was labeled in part: "Whole Eggs * * * Packed By Meridian Produce Co. Meridian, Idaho."

On July 29, 1942, the Meridian Produce Co. of Meridian, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**3926. Adulteration and misbranding of frozen eggs. U. S. v. 162 Cans of Frozen Mixed Egg Whites and Yolks. Default decree of condemnation and destruction.** (F. D. C. No. 8017. Sample No. 9001–F.)

Examination of this product showed the presence of decomposed eggs and also that it contained chicken excreta and large pieces of egg shell.

On July 30, 1942, the United States attorney for the Northern District of Oklahoma filed a libel against 84 unlabeled 30-pound cans of frozen mixed egg whites and yolks at Sapulpa, Okla., alleging that the article had been transported by W. B. Jordan of Jordan Produce Co. from Dallas, Tex.; and charging that it was adulterated and misbranded. On or about August 5, 1942, the libel was amended to cover a total of 162 unlabeled 30-pound cans of frozen eggs.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents; and (3) in that it failed to bear a label containing the common or usual name of the article.

On August 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3927. Adulteration of frozen eggs. U. S. v. 923 Cans and 40 Cans of Frozen Eggs. Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. Part of rejects ordered sold under proper safeguards.** (F. D. C. Nos. 7606, 9053. Sample Nos. 94242–E, 6165–F.)

On June 2 and December 19, 1942, the United States attorney for the Eastern District of Missouri filed libels against a total of 963 cans of frozen eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 30 and May 28, 1942, from Ft. Worth, Tex., and Chicago, Ill., by Swift & Co.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Supertex," "Frozen L Mixed Eggs," or "Frozen L Blend-Whites-Yolks."

On July 25, 1942, and January 13, 1943, Swift & Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation, under the supervision of the Food and Drug Administration, of the fit portion from the unfit and destruction of the latter. On November 23, 1942, the 165 cans which had been rejected from the sorting of the 963-can lot were ordered sold, under appropriate safeguards, for nonfood purposes.

**3928. Adulteration and misbranding of frozen egg yolks. U. S. v. 75 Cans of Frozen Egg Yolks. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7076. Sample No. 31373–E.)

On March 20, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 75 cans of frozen egg yolks at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 10, 1941, by Marshall Kirby & Co. from Terre Haute, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: " * * * Kirby Kuality Frozen Egg Yolks with approx. 10% sugar added."

It was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for yolks with approximately 10 percent of sugar.

It was alleged to be misbranded in that the statement "Frozen Egg Yolks with approx. 10% sugar added" was false and misleading.

On August 7, 1942, Marshall Kirby & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled: "Yolks With Whites Added and 10% Sugar," under the supervision of the Food and Drug Administration.

**3929. Adulteration and misbranding of dried eggs. U. S. v. 114 and 45 Barrels of Dried Whole Eggs. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7765. Sample Nos. 46594-E, 46595-E.)

This product was high in reducing sugars, indicating the addition of some saccharine substance.

On June 26, 1942, the United States attorney for the Eastern District of New York filed a libel against a total of 159 barrels of dried whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about April 15 to on or about May 2, 1942, by the Approved Dehydrating Co. from Passaic, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Spray Dried Whole Egg."

The article was alleged to be adulterated in that a substance consisting essentially of reducing sugars had been substituted wholly or in part for "Spray Dried Whole Egg" which it purported to be, and had been mixed and packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the designation "Spray Dried Whole Eggs" was false and misleading, and in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation as provided by law, and it failed to conform to such definition and standard.

On July 21, 1942, the Approved Dehydrating Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

## FISHERIES PRODUCTS

### FRESH SHELLFISH

**Nos. 3930 to 3932** report the seizure and disposition of crab meat that was contaminated with fecal *E. coli.*

**3930. Adulteration of crab meat. U. S. v. 50 Cans of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 8096. Sample No. 24813-F.)

On July 24, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 21, 1942, by Coulbourne & Jewett from St. Michaels, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3931. Adulteration of crab meat. U. S. v. 14 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 8002. Sample No. 24804-F.)

On July 20, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by Harrison & Jarboe Seafood Co. from St. Michaels, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: "DeLuxe Crabmeat."

On August 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3932. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 7541. Sample No. 70855-E.)

On May 13, 1942, the United States attorney for the Southern District of New York filed a libel against 2 barrels, each containing 119 1-pound cans, of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 10, 1942, by J. A. & C. Q. Goodrich from Oak Hill, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: "Lagoon Quality DeLuxe * * * Crabmeat."

On June 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3933. Adulteration of crab meat. U. S. v. 347 Cans of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 7802. Sample No. 54754–E.)

Examination of this product showed the presence of decomposed crab meat.

On June 24, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 347 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 19, 1942, by the Sunbeam Seafoods Co. from Apalachicola, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3934. Adulteration of crab meat. U. S. v. 1 Barrel of Crab meat. Default decree of condemnation and destruction.** (F. D. C. No. 7823. Sample No. 70893–E.)

This product contained evidence of the presence of filth.

On June 20, 1942, the United States attorney for the District of Maryland filed a libel against 1 barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 17, 1942, by A. M. Barbee's Son, from Savannah, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3935. Misbranding of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 7856. Sample No. 78413–E.)

This product contained a chemical preservative, sodium benzoate, the presence of which was not declared on the label, and it was short of the declared weight.

On July 2, 1942, the United States attorney for the District of Maryland filed a libel against 2 barrels, each containing 108 pound cans, of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 25, 1942, by Gale & Co. from Palatka, Fla.; and charging that it was misbranded. The article was labeled in part: (Cans) "Lake George Brand Fla. * * * DeLuxe Crabmeat."

The article was alleged to be misbranded (1) in that the statement in the labeling "1 Lb. Net" was false and misleading as applied to an article that was short weight; (2) in that it was in package form and it did not bear a label containing an accurate statement of the quantity of the contents; and (3) in that it contained a chemical preservative and did not bear labeling stating that fact.

On August 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FROZEN FISH AND SHELLFISH

**3936. Adulteration of frozen ocean perch fillets. U. S. v. Emil Cefalo and Frank Cefalo (North Atlantic Fish Co.). Pleas of guilty. Fine, $25 against each defendant.** (F. D. C. No. 7272. Sample Nos. 86704–E, 86563–E.)

This product contained parasites, i. e. copepods.

On September 17, 1942, the United States attorney for the District of Massachusetts filed an information against Emil Cefalo and Frank Cefalo, copartners trading as North Atlantic Fish Co., Boston, Mass., alleging shipment on or about January 17 and May 9, 1942, from the State of Massachusetts into the State of Illinois of quantities of fish that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "North Atlantic Brand Ocean Perch Fillets."

On September 29, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $25 against each defendant.

**3937. Adulteration of frozen red perch fillets. U. S. v. 96 Boxes and 244 Boxes of Frozen Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 7618. Sample No. 77138–E.)

This product was infested with parasites.

On June 6, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 96 10-pound and 244 5-pound boxes of frozen fillets

at Steelton, Pa., alleging that the article had been shipped in interstate commerce on or about May 20 and May 26, 1942, by John Burns Co., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Supreme Brand Net Frosted Fillets Red Perch."

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3938. Adulteration of frozen rose fish fillets. U. S. v. 3,500 Boxes of Fillets. Consent decree of condemnation. Product ordered released under bond for salvaging good portion.** (F. D. C. No. 7810. Sample No. 91620–E.)

On June 29, 1942, the United States attorney for the Northern District of Illinois filed a libel against 3,500 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 1942, by F. J. O'Hara & Sons, Inc., from Portland, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 3, 1942, F. J. O'Hara & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the fit portion be salvaged under the supervision of the Food and Drug Administration.

**3939. Adulteration of frozen haddock fillets. U. S. v. 69 Boxes of Frozen Haddock Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 7615. Sample No. 87199–E.)

On June 5, 1942, the United States attorney for the District of Columbia filed a libel against 69 boxes of frozen haddock fillets at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 26, 1942, by L. B. Goodspeed, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Wrappers) "O-So-Good Fillets Haddock."

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3940. Adulteration of frozen shrimp. U. S. v. 23 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7049. Sample No. 69716–E.)

On March 19, 1942, the United States attorney for the Southern District of New York filed a libel against 23 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Florida Shrimp Co. from Fernandina, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED FISH

**3941. Adulteration and misbranding of canned sardines. U. S. v. 65, 45, 146, and 52 Cases of Sardines. Consent decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. Nos. 6105, 6265, 6276. Sample Nos. 54508–E, 64442–E, 75539–E, 75934–E.)

The packing medium of this product consisted in large part of oils other than olive oil.

On October 29 and November 21 and 24, 1941, the United States attorneys for the District of Massachusetts, the District of New Jersey, and the Western District of Pennsylvania filed libels against 109 cases of canned sardines at Boston, Mass., 146 cases at Pittsburgh, Pa., and 52 cases at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about May 24 and 26 and June 28, 1941, by the Brawn Co. from Portland, Maine; and charging that it was adulterated and misbranded. The article was labeled in part: "Red Feather Brand Sardines in Olive Oil Contents 3¼ Oz. Avoir. Francis H. Leggett & Co. Distributors, New York, N. Y."

It was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom. Portions were alleged to be adulterated further in that sardines in an oil other than olive oil had been substituted for sardines in olive oil. The remainder was alleged to be adulterated further in that sardines in a mixture of cottonseed and olive oils had been substituted for sardines in olive oil.

It was alleged to be misbranded in that the statement "In Olive Oil" was false and misleading, in one case as applied to an article which was packed in an oil consisting largely of oil other than olive oil, and in the other cases as applied to an article that was packed in a mixture of cottonseed and olive oil.

On August 6, September 24 and October 3, 1942, Francis H. Leggett & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

## FRUITS AND VEGETABLES

### FRESH FRUITS

**3942. Adulteration of apples. U. S. v. 224 Boxes of Apples. Default decree of condemnation and destruction.** (F. D. C. No. 6385. Sample No. 37589–E.)

On December 2, 1941, the United States attorney for the Northern District of Georgia filed a libel against 224 40-pound boxes of apples at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 1, 1941, by Mojonnier & Sons, Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it bore or contained poisonous and deleterious substances which might have rendered it injurious to health, i. e. lead and arsenic. The article was labeled in part "Blue Mountain Brand Apples."

On April 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 3943 to 3953** report the seizure and disposition of blueberries that contained maggots.

**3943. Adulteration of blueberries. U. S. v. 37 Crates and 51 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8092, 8125. Sample Nos. 17006–F, 17926–F, 17932–F.)

On July 29 and August 1, 1942, the United States attorney for the Southern District of New York filed a libel against 88 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 25 and 30, 1942, by Michael (or Mike) Kundrack from St. Clair, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Sunny Mountain Brand Sweet Berries."

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3944. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8093. Sample No. 17927–F.)

On July 29, 1942, the United States attorney for the Southern District of New York filed a libel against 4 crates, each containing 24 quarts of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 26, 1942, by A. McAloose & Son, from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3945. Adulteration of blueberries. U. S. v. 20 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8091. Sample No. 17925–F.)

On July 29, 1942, the United States attorney for the Southern District of New York filed a libel against 20 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 25, 1942, by S. Merook, from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Schuylkill County Pennsylvania Fancy Blueberries."

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

**3946. Adulteration of blueberries. U. S. v. 16 Crates and 15 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8090. Sample No. 17924.)

On July 29, 1942, the United States attorney for the Southern District of New York filed a libel against a total of 31 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 25, 1942, by Arthur Kretz from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. A portion of the product was labeled in part: "Selected Pennsylvania Pocono Mountain Brand Blueberries." The remainder was unlabeled.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3947. Adulteration of blueberries. U. S. v. 62 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8126. Sample No. 17919-F.)

On July 29, 1942, the United States attorney for the Southern District of New York filed a libel against 62 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 25, 1942, by John McAdoo [Matsko] from McAdoo, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Matsko's Penna. Spring Mountain Blue Berries."

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3948. Adulteration of blueberries. U. S. v. 10 Crates and 5 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8128, 8129. Sample Nos. 17929-F, 17930-F.)

On August 1, 1942, the United States attorney for the Southern District of New York filed libels against 15 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29 and 30, 1942, by Kostick Bros. from Beaver Meadows, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Selected Pennsylvania Blue Mountain Brand Blueberries."

On August 14, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3949. Adulteration of blueberries. U. S. v. 52 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8220. Sample No. 17937-F.)

On August 4, 1942, the United States attorney for the Southern District of New York filed a libel against 52 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1942, by Harry (Archy) Lieberman, Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Spring Mountain Blueberry Association. M. Bonorad * * * Mahanoy City, Pa."

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3950. Adulteration of blueberries. U. S. v. 3½ Crates and 2 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8219, 8221. Sample Nos. 17936-F, 17939-F.)

On August 4, 1942, the United States attorney for the Southern District of New York filed libels against 5½ crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30 and August 3, 1942, by E. J. Matthews from Stockton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Selected Pennsylvania Pocono Mountain Brand Blueberries."

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3951. Adulteration of blueberries. U. S. v. 16 Crates and 113 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8222. Sample No. 17940–F.)

On August 8, 1942, the United States attorney for the Southern District of New York filed a libel against 16 crates, each containing 32 quarts, and 113 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Paul Salidago from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Pennsylvania Green Mountain Brand Blueberries."

On August 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3952. Adulteration of blueberries. U. S. v. 6 Crates and 7 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8223. Sample Nos. 17942–F, 17943–F.)

On August 8, 1942, the United States attorney for the Southern District of New York filed a libel against 13 crates, each containing 24 baskets, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 5 and 6, 1942, by J. Franchetti from Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

**3953. Adulteration of blueberries. U. S. v. 33 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8225. Sample No. 19699–F.)

On August 4, 1942, the United States attorney for the District of Massachusetts filed a libel against 33 crates, each containing 24 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by Murry Wright from Alton, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED FRUITS AND VEGETABLES

**3954. Misbranding of canned cherries. U. S. v. Loveland Canning Corporation. Plea of guilty. Fine $420.** (F. D. C. No. 7277. Sample Nos. 43262–E, 65856–E, 65862–E, 73385–E, 81250–E, 81251–E, 81401–E.)

On July 22, 1942, the United States attorney for the District of Colorado filed an information against the Loveland Canning Corporation, at Loveland, Colo., alleging shipment within the period from on or about March 6, 1941, to February 6, 1942, from the State of Colorado into the States of Nebraska, Wyoming, and Kansas, of quantities of canned cherries which were misbranded. The article was labeled in part: "Loveland Brand Water Pack Red Tart Pitted Cherries," "Rainbow Brand Water Pack Pitted Red Sour Cherries * * * Selected Products, Inc. Chicago, Ill. Exclusive Distributors," or "Golden Valley Sour Pitted Red Pie Cherries * * * Distributed By Nash-Finch Co. Minneapolis, Minn."

The article was alleged to be misbranded in that it purported to be and was represented as canned pitted cherries, a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard in that there was present more than one pit to each 20 ounces of canned cherries, and its label did not bear in such manner and form as the regulations specify a statement that it fell below such standard.

On August 4, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $420.

**3955. Misbranding of canned cherries. U. S. v. 11 Cases of Canned Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 7784. Sample No. 64890–E.)

This product was substandard in quality because of the presence of excessive pits and its labeling also failed to bear the common name of the optional packing medium as required by the definition and standard of identity for canned cherries.

On June 20, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 11 cases of canned cherries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about

March 19, 1942, by the Stanley Packing Co. from Fredonia, N. Y.; and charging that it was misbranded. The article was labeled in part: (Can) "Gervas Brand Pitted Red Sour Cherries * * * Packed by Gervas Canning Co., Fredonia, N. Y."

The article was alleged to be misbranded (1) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation as provided by law but its quality fell below such standard, since more than one pit was present in each 20 ounces of canned pitted cherries, and its label failed to bear in such manner and form as such regulations specify a statement that it fell below such standard; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed and its label did not bear the common names of the optional ingredients present in the article.

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3956. Misbranding of canned cherries. U. S. v. 48 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a Federal correctional institution.** (F. D. C. No. 7767. Sample No. 95425–E.)

On June 19, 1942, the United States attorney for the Eastern District of Michigan filed a libel (amended June 22, 1942) against 48 cases of canned cherries at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 21, 1942, by W. G. Swanson, San Francisco, Calif., from Alameda, Calif.; and charging that it was misbranded. The article was labeled in part: (Can) " * * * Felice Fancy Pitted Black Bing Dark Sweet Cherries In Extra Heavy Syrup Packed By Hollister Canning Co. Hollister San Benito Co. California."

The article was alleged to be misbranded (1) in that the designation "Fancy," appearing in the labeling, was false and misleading as applied to an article not of fancy quality; (2) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since more than one pit was present in each 20 ounces of canned pitted cherries; (3) in that it purported to be and was represented as a food for which a standard of fill of container had been prescribed by such regulations, but it fell below such standard since the cans failed to contain the maximum quantity of cherries which could be sealed in the container and processed by heat without crushing the cherries; and (4) in that its label failed to bear, in such manner and form as such regulations specify, statements that it fell below such standards.

On August 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

**3957. Misbranding of canned cherries. U. S. v. 48 Cases of Canned Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 7591. Sample No. 78043–E.)

On June 1, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 48 cases of canned cherries at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about May 6, 1942, by the Gervas Canning Co., from Fredonia, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Gervas Brand Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because more than one pit was present in each 20 ounces of canned cherries, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3958. Misbranding of canned peaches. U. S. v. 491 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8077. Sample Nos. 95080–E, 95426–E, 21511–F.)

On August 8, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 491 cases, each containing 24 cans, of peaches at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 2, 1942, by the Pacific Grape Products Co., Modesto, Calif.;

and charging that it was misbranded. The article was labeled in part: "MY-TE-GOOD Brand Yellow Alberta Freestone Peaches in Heavy Syrup * * * Packed for Donahoe's, Pittsburgh, Pa."

The article was alleged to be misbranded in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below such standard since the cans contained less than the maximum quantity of sliced peaches which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking such ingredient, and its labels failed to bear in such manner and form as the regulations specify a statement that it fell below such standard.

On August 21, 1942, V. L. McClay Co., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3959. Adulteration of canned plums. U. S. v. 1,092 Cases of Canned Plums. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 7544. Sample Nos. 76734–E, 76949–E.)

Examination of this product showed the presence of moldy fruit.

On May 22, 1942, the United States attorney for the Northern District of Iowa filed a libel against 1,092 cases, each containing 6 cans, of plums at Cedar Rapids, Iowa, alleging that the article had been shipped in interstate commerce on or about September 18, 1941, by Silverton Canning Co. from Silverton, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Valley Home Brand * * * Blue Plums (Prunes) Distributed by Nash-Finch Co., Minneapolis, Minn."

On August 10, 1942, Nash-Finch Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

**3960. Adulteration of canned asparagus. U. S. v. 280 Cases, 50 Cases, and 270 Cases of Canned Asparagus. Default decree of condemnation and destruction.** (F. D. C. No. 7796. Sample Nos. 89548–E, 89549–E, 89550–E.)

Examination showed that a large proportion of this product had undergone flat-sour decomposition.

On June 23, 1942, the United States attorney for the Eastern District of New York filed a libel against a total of 600 cases of canned asparagus at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1942, by Apte Bros. Canning Co. from Woodside, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. (Investigation disclosed that the product had been introduced in interstate commerce by the Kenton Packing Co. in the name of the Apte Bros. Canning Co., the latter firm acting as brokers in the transaction.) Portions of the article were labeled in part: (Cases) "24 No. 2 Sweet Life Xtra Large [or "Small Spears"] All Green Asparagus"; (cans) "All Green Spears Asparagus Sweet Life * * * Distributed By Sweet Life Food Corp. Brooklyn, N. Y." The remainder was labeled: (Case) "Small Asparagus Unlabeled."

On August 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3961. Misbranding of canned corn. U. S. v. 462 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7069. Sample No. 83558–E.)

On or about March 30, 1942, the United States attorney for the Northern District of Texas filed a libel against 462 cases, each containing 24 cans, of corn at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about December 26, 1941, by Fuhremann Canning Co. from Lanark, Ill.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy. The article was labeled in part: "Trappey Shield Label Fancy Cream Style Country Gentleman Corn."

On May 13, 1942, B. F. Trappey's Sons, Inc., Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in accordance with the law.

**3962. Misbranding of canned corn. U. S. v. 149 Cases, 314 Cases, and 99 Cases of Canned Corn. Decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. Nos. 7056, 7521. Sample Nos. 64828–E, 64881–E, 64882–E.)

This product was not Fancy as labeled because it was overmature and a portion had a thin consistency and poor flavor, a portion was too thick and pasty, and the remainder had a poor flavor because it was too salty and not sweet enough. One lot was wide-grain corn and not narrow-grain as labeled.

On March 18 and May 22, 1942, the United States attorneys for the Western District of Pennsylvania and the Northern District of West Virginia filed libels against 149 cases, each containing 24 cans, of corn at Pittsburgh, Pa., and 314 cases, each containing 24 cans, of corn at Moundsville, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about September 18, 1941, to on or about February 3, 1942, by Crites Milling Co., from Circleville and Ashville, Ohio; and charging that it was misbranded. The article was labeled in part: (Cans) "Fancy Flavor Brand Cream Style Golden Sweet Corn," or "Narrow Grain Fancy Flavor Brand Cream Style White Sweet Corn."

The article was alleged to be misbranded in that the statement "Fancy Flavor" was false and misleading as applied to an article that was not of fancy quality. A portion was alleged to be misbranded further in that the statement "Narrow Grain" was false and misleading as applied to an article that was not of a narrow-grain variety of sweet corn.

On May 8 and July 22, 1942, the Crites Milling Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

**3963. Adulteration of canned mustard greens. U. S. v. 66 Cases and 145 Cases of Mustard Greens. Consent decrees of condemnation and destruction.** (F. D. C. Nos. 7996, 7997. Sample Nos. 2902–F, 2903–F.)

This product contained insects and insect fragments.

On or about August 1, 1942, the United States attorney for the Western District of Missouri filed libels against a total of 211 cases, each containing 24 cans, of mustard greens at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 7 and 28, 1942, by the Alma Canning Co. from Alma, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Alma Mustard Greens."

On August 5, 1942, judgments of condemnation were entered by consent and the product was ordered destroyed.

**3964. Misbranding of canned peas. U. S. v. 72 Cases of Canned Peas. Default decree of condemnation and destruction.** (F. D. C. No. 7581. Sample No. 70372–E.)

On May 29, 1942, the United States attorney for the Middle District of Alabama filed a libel against 72 cases of canned peas at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about April 30, 1942, by the Concord Corporation (Crine Enterprises) from Cairo, Ga.; and charging that it was misbranded. It was labeled in part: "Crines Quality Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, since the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify a statement that it fell below such standard.

On July 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3965. Adulteration of canned turnip greens. U. S. v. 178 Cases and 174 Cases of Canned Turnip Greens. Default decree of condemnation and destruction.** (F. D. C. No. 8107. Sample No. 28110–F.)

Examination of this product showed that it contained insects.

On August 13, 1942, the United States attorney for the Southern District of Florida filed a libel against 352 cases, each containing 24 cans, of turnip greens at Tampa Fla., alleging that the article had been shipped in interstate commerce on or about January 15 and February 16, 1942, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it con-

sisted in whole or in part of a filthy substance. The article was labeled in part: "Crine's Quality Turnip Greens."

On August 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## TOMATOES AND TOMATO PRODUCTS

**3966. Misbranding of canned tomatoes. U. S. v. 547 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 8142. Sample No. 28633–F.)

On August 14, 1942, the United States attorney for the Middle District of Georgia filed a libel against 547 cases, each containing 24 cans, of tomatoes at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on about January 10, and April 28, 1942, by J. W. Holloway from Fort Pierce, Fla.; and charging that it was misbranded. It was labeled in part: "Indian River Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because the peel per pound of canned tomatoes in the container covered an area of more than one square inch, and its label failed to bear in such manner and form as the regulations specify a statement that it fell below such standard.

On August 28, 1942, the A. S. Pendleton Co., Valdosta, Ga., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3967. Misbranding of canned tomatoes. U. S. v. 351 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8004. Sample No. 12401–F.)

On July 29, 1942, the United States attorney for the Western District of Washington filed a libel against 351 cases of canned tomatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 25, 1941, from Oakland, Calif., by Schwabacher Bros. & Co.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because its drained weight was less then 50 percent of the weight of the water required to fill the container, and its label failed to bear in such manner and form as the regulations specify a statement that it fell below such standard of quality. The article was labeled in part: "Madrona Brand Tomatoes."

On August 24, 1942, Schwabacher Bros. & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**Nos. 3968 to 3974** report the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**3968. Adulteration of tomato catsup. U. S. v. 42 Cases of Tomato Catsup. Decree of condemnation and destruction.** (F. D. C. No. 7621. Sample No. 95183–E.)

On June 11, 1942, the United States attorney for the Northern District of Illinois filed a libel against 42 cases of catsup at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by F. M. Ball & Co., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ballcrest Brand Tomato Catsup. Net Contents 6 Lbs. 15 Oz."

On July 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3969. Adulteration of tomato catsup. U. S. v. 494 Cases of Tomato Catsup. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7087. Sample Nos. 81711–E, 81724–E.)

On March 27, 1942, the United States attorney for the District of Colorado filed a libel against 494 cases of tomato catsup (consigned by A. M. Beebe Co., Inc.,) at Denver, Colo., alleging that the article had been shipped in interstate commerce

on or about November 21, 1941, from Hayward, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Dreher's Tomato Catsup 12 Oz. Avoir. Packed For The Dreher Pickle Co. Denver Colorado."

On August 5, 1942, the California Conserving Co., Inc., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**3970. Adulteration of tomato catsup and tomato sauce. U. S. v. 51 Cases of Tomato Catsup and 239 Cases of Tomato Sauce. Default decree ordering the tomato catsup condemned and destroyed. Tomato sauce ordered released under bond.** (F. D. C. Nos. 7098, 7456. Sample Nos. 72759–E, 72793–E.)

On April 2 and May 11, 1942, the United States attorney for the District of Arizona filed libels against 51 cases of tomato catsup at Phoenix, Ariz., and 239 cases of tomato sauce at Douglas, Ariz., alleging that the articles had been shipped in interstate commerce on or about January 13 and March 21, 1942, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Val Vita Brand Tomato Catsup," or "Spanish Style Tomato Sauce."

On July 8, 1942, Val Vita Food Products, Inc., having appeared as claimant for the tomato sauce, judgment was entered ordering the product released under bond conditioned that it be brought into compliance with the law. On September 5, 1942, no claimant having appeared for the tomato catsup, judgment of condemnation was entered and the product was ordered destroyed.

**3971. Adulteration of tomato juice. U. S. v. 26 Cases of Tomato Juice (and 5 other seizure actions against tomato juice.) Decrees of condemnation. Portions of product ordered destroyed. Remainder ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. Nos. 8009, 8010, 8012, 8916, 9059, 9095. Sample Nos. 17578–F, 17914–F, 22437–F, 22439–F.)

On July 29 and 31, and December 1, 23, and 30, 1942, the United States attorneys for the Southern District of New York, the Eastern District of New York, and the Eastern District of Pennsylvania, filed libels against 159 cases, each containing 24 cans, of tomato juice at New York, N. Y., 20 cases, each containing 24 cans, of tomato juice at Brooklyn, N. Y., and 213 cases, each containing 12 cans, and 269 cases, each containing 24 cans, of tomato juice at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 28, 1942, to on or about December 1, 1942, by Francis C. Stokes Co., from Vincentown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tomato Juice Sweet Life * * * Distributed by Sweet Life Food Corp," "Stokes Tomato Juice," or "White Rose Pure Tomato Juice * * * Seeman Brothers Incorporated, Distributors, N. Y."

On August 22, October 2, and December 24, 1942, no claimant having appeared for the goods seized at New York and Brooklyn, judgments of condemnation were entered and they were ordered destroyed. On January 6, 1943, the Francis C. Stokes Co., having appeared as claimant for the product seized at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**3972. Adulteration of tomato paste. U. S. v. 784 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7334. Sample No. 89090–E.)

On April 14, 1942, the United States attorney for the Southern District of New York filed a libel against 784 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 5, 1941, by the West Coast Packing Co. from Long Beach, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Appetit Brand Tomato Paste * * * Distributors J. Ossola Co. New York, N. Y."

On May 7, 1942, the West Coast Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product

was ordered released under bond for segregation and destruction, under the supervision of the Food and Drug Administration, of all portions found to be unfit for human consumption.

**3973. Adulteration and misbranding of tomato paste. U. S. v. 157 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 7423. Sample Nos. 83907–E, 83943–E, 83944–E, 83946–E.)

In addition to containing mold, this product was deficient in tomato solids.

On May 2, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 157 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by V. Damico from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Giardiniera [or "Flag Brand" or "Progresso"] * * * Tomato Paste. Packed for La Sierra Heights Canning Co., Inc., Buena Park, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it purported to be food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard since it contained less than 25 percent of salt-free tomato solids.

On August 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3974. Adulteration of tomato puree. U. S. v. 30 Cases and 10 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7494, 7536. Samples Nos. 86559–E, 86560–E.)

On May 15 and 26, 1942, the United States attorneys for the Northern District of Indiana and the Northern District of Illinois filed libels against 30 cases, each containing 48 10½-ounce cans, of tomato puree at Gary, Ind., and 10 cases, each containing 48 10½-ounce cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce in the period from on or about April 21 to on or about April 24, 1942, by Wabash Food Mart from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Brooks Tomato Puree * * * Packed by The G. S. Suppiger Co., St. Louis, Mo."

On July 23 and 31, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## FROZEN FRUITS

**3975. Adulteration of frozen raspberries. U. S. v. 8 Barrels of Frozen Raspberries. Default decree of condemnation. Product ordered delivered to Food and Drug Administration.** (F. D. C. No. 7578. Sample Nos. 89756–E, 89757–E.)

This product contained moldy berries.

On June 1, 1942, the United States attorney for the Southern District of New York filed a libel against 8 unlabeled second-hand barrels of frozen red raspberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Frigid Food Products, Inc., from Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for experimental purposes.

**3976. Adulteration of frozen strawberries. U. S. v. Kelly, Farquhar & Co. Plea of nolo contendere. Fine $350.** (F. D. C. No. 7284. Sample No. 66406–E.)

This product contained moldy berries.

On August 11, 1942, the United States attorney for the Western District of Washington filed an information against Kelly, Farquhar & Co., a corporation, Tacoma, Wash., alleging shipment on or about July 17, 1941, from the State of Washington into the State of Illinois of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Sparklets Brand Marshall Strawberries."

On September 23, 1942, plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $350.

**3977. Adulteration of frozen strawberries. U. S. v. 57 Barrels of Strawberries. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7986. Sample Nos. 92121–E, 14301–F.)

This product contained moldy and decomposed berries.

On July 23, 1942, the United States attorney for the Southern District of California filed a libel against 57 barrels, each barrel containing 50 gallons of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 27 and 28, 1942, by S. A. Moffett Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 29, 1942, S. A. Moffett, doing business under the name of S. A. Moffett Co. of Seattle, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

## DRIED FRUITS

**3978. Adulteration of apple chops. U. S. v. 664 Bags of Apple Chops. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7577. Sample No. 94537–E.)

This product had been stored after shipment under insanitary conditions and when examined the majority of the bags on the outside had been cut by rodents and the contents had spilled onto the floor and were contaminated with rodent pellets and animal hairs resembling rodent hairs.

On May 28, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 664 bags of apple chops in possession of the Mound City Ice & Cold Storage Co., St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 9, 1942, from Yakima, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On June 23, 1942, the Washington Dehydrated Food Co., Yakima, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sorted under the supervision of the Federal Security Agency and that the unfit portion be destroyed.

**3979. Adulteration of dried fruits. U. S. v. 24 Boxes of Dried Figs (and 6 additional seizure actions against dried fruits). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6963, 7088, 7089, 8117, 8118, 8277, 8501. Sample Nos. 83714–E, 83715–E, 85631–E, 13213–F, 14252–F to 14254–F., inc., 28510–F, 28511–F.)

The figs, raisins, and portions of the prunes were insect-infested; portions of the prunes were fermented or decomposed; the apricots were insect-infested and moldy.

Between February 28 and October 7, 1942, the United States attorneys for the Western District of Washington, Eastern District of Louisiana, Northern District of Georgia, and District of Arizona filed libels against 24 25-pound boxes of dried figs and 90 24-pound cases of dried prunes at Tacoma, Wash., 160 25-pound cases of prunes and 24 25-pound cases of apricots at New Orleans, La., 15 25-pound boxes of prunes and 32 25-pound boxes of raisins at Atlanta, Ga., and 39 25-pound cases of prunes at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about March 13, 1941, to on or about May 7, 1942, by Rosenberg Bros. & Co. from Oakland, San Francisco, and Fresno, Calif.; and charging that they were adulterated. The articles were labeled in part: "Stadium Brand California Dried Black Figs"; "Jubilee Brand California Dried Standard Apricots"; "Ensign Brand Santa Clara Imperial Prunes"; "Iris Brand California Prunes"; "Jobbers Special Brand California Thompson Seedless Raisins"; or "Morning Star [or "Purity"] Brand California * * * Prunes."

The figs, raisins, and portions of the prunes were alleged to be adulterated in that they consisted in whole or in part of filthy substances. One lot of prunes was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remainder of the prunes and the apricots were alleged to

be adulterated in that they consisted in whole or in part of filthy and decomposed substances.

Between June 8 and November 16, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3980. Adulteration of dried prunes. U. S. v. 145 Bags of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 7766. Sample No. 86781–E.)

This product was insect-infested.

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 145 bags, each containing approximately 10 pounds, of dried prunes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by Dried Fruit Distributors of California, from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3981. Adulteration of raisins. U. S. v. 73 Cases of Seedless Raisins. Consent decree of condemnation and destruction.** (F. D. C. No. 7949. Sample No. 17813–F.)

This product was insect-infested.

On July 21, 1942, the United States attorney for the District of New Jersey filed a libel against 73 cases of seedless raisins at Jersey City, N. J., alleging that the article had been shipped in interestate commerce on or about November 12, 1941, by Enoch Packing Co., from Del Rey, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Air Port Brand Choice Recleaned Thompson Seedless Raisins."

On August 3, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

## OTHER FRUIT AND VEGETABLE PRODUCTS

**3982. Adulteration of fruit products. U. S. v. Henry Laber (Citrus Fruit Specialties Co. and Bakers Food Products Co.). Plea of guilty. Fine, $2,500.** (F. D. C. No. 7265. Sample Nos. 50354–E, 50355–E, 59081–E, 80042–E, 80043–E, 80044–E.)

These products contained rodent hairs, insects and insect fragments, larvae and larvae fragments, and miscellaneous filth.

On July 3, 1942, the United States attorney for the Southern District of New York filed an information against Henry Laber, trading as Citrus Fruit Specialties Co. and as Bakers Food Products Co., New York, N. Y., alleging shipment within the period from on or about October 31, 1941, to on or about November 14, 1941, from the State of New York into the States of Maryland and Ohio of quantities of fruit products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Mixed Diced Fruit"; "Diced Orange"; "Diced Fruit Red"; or "Double Chopper Orange [or "Lemon" or "Grapefruit"] Peel."

On July 17, 1942, the defendant entered a plea of not guilty and on December 15, 1942, the plea was changed to guilty and the court imposed a total fine of $2,500.

**3983. Misbranding of jellies and marmalade. U. S. v. 7 Cases of Currant Jelly, 6 Cases of Grape Jelly, and 6 Cases and 5 Cases of Orange Marmalade. Default decree of condemnation. Products ordered delivered to a charitable institution.** (F. D. C. No. 7149. Sample Nos. 84348–E to 84351–E, incl.)

The currant jelly was an artificially colored jelly containing only small amounts of fruit juice, and simulating currant jelly in odor and taste. The orange marmalade contained no orange juice, a normal ingredient of orange marmalade, and did contain phosphoric acid and an artificial coal-tar color which were not declared in the list of ingredients. The grape jelly simulated grape jelly in appearance and odor, and contained phosphoric acid which was not declared in the list of ingredients.

On April 7, 1942, the United States attorney for the District of New Jersey filed a libel against 7 cases of currant jelly, 6 cases of grape jelly, and 11 cases of orange marmalade at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about February 11 and 26, 1942, by the Well Maid

Products Co. from New York, N. Y.; and charging that they were misbranded. They were labeled in part: (Jars) "Currant Jelly [or "Grape Jelly"] (Below Standard) Ingredients:—Currant Juice [or "Grape Juice"], Cane Sugar, Pectin, Water, Certified Food Color, Citric Acid"; or "Orange Marmalade Ingredients:—Orange Peel, Sugar, Water, Pectin, Citric Acid."

The articles were alleged to be misbranded in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The orange marmalade and grape jelly were alleged to be misbranded further in that they were offered for sale under the names of other foods. The orange marmalade was alleged to be misbranded further in that the statement "Orange Marmalade Ingredients:—Orange Peel, Sugar, Water, Pectin, Citric Acid" was false and misleading as applied to an article containing no orange juice, and containing phosphoric acid and an artificial coal-tar color; and in that it contained artificial coloring but did not bear labeling stating that fact. The grape jelly was alleged to be misbranded further in that the statement "Ingredients:—Grape Juice, Cane Sugar, Pectin, Water, Certified Food Color, Citric Acid" was misleading as applied to an article containing phosphoric acid.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

**3984. Adulteration and misbranding of "Tang" Radish. U. S. v. 9 Cases of Tang Radish. Default decree of condemnation and destruction.** (F. D. C. No. 7131. Sample No. 89169-E.)

This product consisted essentially of ground parsnip root in a pungent liquid similar in flavor to horseradish, and contained little or no horseradish.

On April 4, 1942, the United States attorney for the District of Connecticut filed a libel against 9 cases of "Tang" Radish at New Britain, Conn., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by the New Jersey Empire Pickle Works from Newark, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Boyd Brand 'Tang' Radish Contains Horseradish, Parsnip Roots, Alum, Salt, Distilled Vinegar and Imitation Oil Of Horseradish."

It was alleged to be adulterated in that a valuable constituent, horseradish, had been in whole or in part omitted therefrom.

The article was alleged to be misbranded in that it was an imitation of another food, horseradish, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3985. Adulteration of hot sauce. U. S. v. 25 Cases and 36 Cases of Hot Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 7627. Sample Nos. 92455-E, 92456-E.)

This product contained mold, indicating the presence of decomposed material.

On June 9, 1942, the United States attorney for the District of Arizona filed a libel against a total of 61 cases of hot sauce at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by the Arkansas Vinegar Co., from Shreveport, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Louisiana The Perfect Hot Sauce Net Cont. 6 Fl. Oz. [or "3 Fl. Oz."] * * * Louisiana Foods Company Shreveport, La."

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## NUTS AND NUT PRODUCTS

**3986. Adulteration of peanuts. U. S. v. 30 Sacks of Peanuts. Default decree of condemnation and destruction.** (F. D. C. No. 7590. Sample No. 71960-E.)

This product was insect-infested.

On May 29, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 30 sacks of peanuts at St. Louis, Mo., alleging that the article had been shipped in interestate commerce on or about December 26, 1941, by Swift & Co. Oil Mill, from Albany, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3987. Adulteration of pecan meats. U. S. v. 5 Cases and 15 Cases of Pecan Meats. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7616, 7631. Sample Nos. 7777–E, 92080–E.)

Both lots of this product contained rodent hairs and one lot also contained insect fragments.

On June 8 and 9, 1942, the United States attorney for the Southern District of California filed libels against a total of 20 cases of pecan meats at San Diego, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about April 11 to on or about May 23, 1942, by James Jefferson from Yuma, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 31, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3988. Misbranding of peanut butter. U. S. v. 14 Cases and 42 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed for charitable purposes.** (F. D. C. No. 7610. Sample Nos. 79686–E, 79687–E.)

On June 16, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 14 cases, each containing 12 1½-pound jars, and 42 cases, each containing 24 12-ounce jars, of peanut butter at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about February 11 and March 16, 1942, by Dee's Foods, Inc., from Bristol, Va., and Bristol, Tenn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was in package form and failed to bear labels containing accurate statements of the quantity of the contents. It was alleged to be misbranded further in that the statements on the labels: (Portion) "Dee's Peanut Butter * * * Contents 1 Lb. 8 Ozs." and (remainder) "Four Star Peanut Butter Contents 12 Oz. Net Wt.," were false and misleading since the jars contained less than the amounts declared.

On July 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed for charitable purposes.

**3989. Adulteration and misbranding of peanut butter. U. S. v. 29 Cases of Peanut Butter. Consent decree of condemnation and destruction.** (F. D. C. No. 7930. Sample No. 71561–E.)

This product contained dirt and was also short of the declared weight.

On July 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 29 cases, each containing 24 jars, of peanut butter at Mt. Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Sweet Adeline Foods, Inc., from Louisville, Ky.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Honey Dew Net Wt. 6 Ozs. Quality Peanut Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid or decomposed substance.

It was alleged to be misbranded in that the statement "Net Wt. 6 Ozs." was false and misleading in that it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 4, 1942, the Sweet Adeline Foods, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

## CANDY

**3990. Adulteration of candy. U. S. v. Leonard J. Elmer and John W. Huggett (Receivers for Elmer Candy Co., Inc.). Pleas of nolo contendere. Fine of $75 against defendant Elmer and $25 against defendant Huggett.** (F. D. C. No. 5523. Samples Nos. 11216–E, 11220–E, 11222–E, 31780–E, 37139–E, 43849–E, 43859–E, 55740–E.)

Samples of this product were found to contain rodent hairs and other filth.

On January 15, 1942, the United States attorney for the Eastern District of Louisiana filed an information against Leonard J. Elmer and John W. Huggett, receivers for Elmer Candy Co., Inc., New Orleans, La., alleging shipment within the period from on or about October 31, 1940, to on or about January 3, 1941,

from the State of Louisiana into the States of Oregon, Kansas, Georgia, Illinois, and Texas, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Elmer's New Orleans Mint Bublets," "Gold Bricks," "Cottage Sweets," "Chocolates," "Standard Package," "Quality Package," or "Peanut Brittle Candy."

On August 26, 1942, the defendants having entered pleas of nolo contendere, the court imposed fines of $75 and $25, respectively, on defendants Elmer and Huggett.

**3991. Adulteration of candy. U. S. v. Louis Rovengo (Rovegno) (Two Star Confectionery Co.). Plea of guilty. Fine, $500.** (F. D. C. No. 2885. Sample Nos. 10115–E to 10118–E, incl., 11057–E, 33147–E, 33214–E to 33219–E, incl., 33221–E to 33224–E, incl., 33231–E to 33234–E, incl., 33236–E.)

Samples of this product were found to contain insect excreta, rodent hairs, human hairs, metal filings, pebbles, insect fragments, and nondescript dirt.

On April 16, 1942, the United States attorney for the Southern District of New York filed an information against Louis Rovengo (Rovegno) trading as Two Star Confectionery Co., New York, N. Y., alleging shipment within the period from on or about January 29, 1940, to on or about June 26, 1940, from the State of New York into the States of New Jersey and Texas of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Candy Ass'd Haggi's," "Two Star Candy Spearmint Leaves," "Lucky Shoe," "Jelly Beans," "Two Star Confectionery," "Black Haggi's," "Big Five Candy Gum Drops," "Darkies," or "Strawberries."

On April 20, 1942, the defendant entered a plea of not guilty and on December 7, 1942, changed his plea to guilty and the court imposed a fine of $500.

**3992. Adulteration of candy. U. S. v. 233 Boxes of Candy (and 2 additional seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7781, 7806, 7852. Sample Nos. 80810–E, 98091–E, 98092–E, 98093–E, 98705–E, 98706–E.)

Wood fragments, sand, wool fibers, wood fragments, metal fragments, insect fragments, and mammalian hairs resembling those of rodents were found in samples taken from these candies.

On June 19 and 26, and July 3, 1942, the United States attorneys for the Northern District of Ohio and the District of Massachusetts filed libels against 233 boxes of candy at Cleveland, Ohio, 100 boxes of candy at Brockton, Mass., and 308 boxes of candy at Chelsea, Mass., alleging that the article had been shipped in interstate commerce on or about May 12, 15, and 16, 1942, by the Ferrara Panned Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Jaw Breakers," "Spearmint Leaves," "Victory Balls With Saf-T Stix," "Kumbak Balls."

On July 23 and August 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3993. Adulteration of candy. U. S. v. 20 Cases of Candy. Decree of condemnation and destruction.** (F. D. C. No. 7604. Sample No. 93232–E.)

This product contained hairs resembling rodent hairs, and insect fragments.

On June 3, 1942, the United States attorney for the District of Oregon filed a libel against 20 cases of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 7, 1942, by Bishop & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Giant Gum Drops * * * Bishop and Company, Inc., Division of National Biscuit Company Los Angeles, California."

On July 16, 1942, the sole intervenor, having abandoned its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3994. Adulteration of candy. U. S. v. 6 Boxes and 2 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7602. Sample Nos. 80613–E, 80614–E.)

This product contained rodent hairs.

On June 2, 1942, the United States attorney for the Southern District of Indiana filed a libel against 6 5-pound boxes and 2 30-pound cartons of candy at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, by the Ohio Confection Co. from Cleveland, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Light Chocolate Covered Cocoanut Marshmallows," or "Rainbow Mix."

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3995. Adulteration of candy. U. S. v. 9 Packages and 12 Packages of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7929. Sample Nos. 12002–F, 12003–F.)

Rodent excreta, rodent hairs, hairs resembling rodent hairs, and insect fragments were found in samples taken from this candy.

On July 16, 1942, the United States attorney for the Western District of Washington filed a libel against 21 packages each containing 2 pounds of candy at Takoma, Wash., alleging that the article had been shipped in interstate commerce by the Avalon Candy Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Avalon Popular Assortment Hand Roll and Chewing Chocolates," or "Avalon Paramount Chocolates."

On September 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3996. Adulteration of candy. U. S. v. 14, 19, and 7 Packages of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7645. Sample Nos. 93243–E to 93245–E, incl.)

This product contained mammalian hairs resembling those of rodents.

On June 13, 1942, the United States attorney for the Western District of Washington filed a libel against a total of 40 packages of candy at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about May 25, 1942, by Loose-Wiles Biscuit Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sunshine Chocolate Chips", or "Sunshine Candies * * * Jumbo Gums [or "Commercial Chocolates"]."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3997. Misbranding of candy. U. S. v. 39 Cartons, 43 Cartons, 25 Cartons, and 42 Cartons of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 7772. Sample Nos. 92572–E to 92575–E, incl.)

Within these cartons were boxes, each containing a cellophane bag of candies. The bags occupied only from 57 to 60 percent of the space in the boxes. Portions were short of the declared weight.

On June 18, 1942, the United States attorney for the Southern District of California filed a libel against a total of 149 cartons, each containing 24 boxes, of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 11, 1942, by Bon Candies, Inc., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Boxes) "Bitsies [or "Peanuts," "Lassies," or "Carmies"] * * * 2 Ozs. Or Over."

The article was alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. Portions were alleged to be misbranded further in that the statement "Net Wgt. 2 Ozs. Or Over" was false and misleading as applied to an article that was short of the declared weight, and in

that it was in package form and did not bear a label containing the accurate statement of the quantity of the contents.

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

## SPICES

**3998. Adulteration and misbranding of spices. U. S. v. William G. Dean, alias John C. Rivers (Sure-Rise Baking Powder Co.). Plea of guilty. Fine, $2,100.** (F. D. C. No. 7208. Sample Nos. 69181–E, 69182–E, 69185–E, 69187–E, 69659–E, 69660–E.)

On July 3, 1942, the United States attorney for the Southern District of New York filed an information against William G. Dean, alias John C. Rivers, trading as Sure-Rise Baking Powder Co. at New York, N. Y., alleging shipment within the period from on or about January 3, 1941, to on or about March 10, 1941, from the State of New York into the State of New Jersey of quantities of paprika, cayenne pepper, and white pepper that were adulterated and misbranded. The articles were labeled in part: "Crown Brand * * * Sweet Paprika [or "White Pepper"] Spice Products Co., — New York"; "Pure Imported Paprika"; or "Pure Cayenne Pepper * * * Daves Grocery."

The paprika and cayenne pepper were alleged to be adulterated (1) in that substances containing cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper; (2) in that they were inferior to paprika and cayenne pepper and such inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or had been mixed or packed therewith so as to increase their bulk and weight, reduce their quality and strength, and make them appear better and of greater value than they were. The white pepper was alleged to be adulterated (1) in that white pepper containing added starch had been substituted wholly or in part for white pepper; and (2) in that starch had been added thereto, or mixed or packed therewith, so as to increase its bulk and weight and reduce its quality and strength.

The articles were alleged to be misbranded (1) in that the statements in the labeling, "Sweet Paprika," "Pure Cayenne Pepper," and "White Pepper" were false and misleading; and (2) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient. The paprika and cayenne pepper were alleged to be misbranded further in that they contained artificial coloring and did not bear labeling stating that fact and (with the exception of one lot of paprika) did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. Two lots of paprika were alleged to be misbranded further in that their packages did not bear labels containing accurate statements of the quantity of the contents. One lot of paprika was alleged to be misbranded further in that the statement (Can label) "1 Lb. Net Weight" was false and misleading since the cans contained less than that amount.

On July 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $350 on each of the first 6 counts of the information and suspended imposition of sentence on the remaining 6 counts.

**3999. Adulteration of chili pods. U. S. v. 95 Bags of Chili Pods. Consent decree of condemnation. Product ordered released under bond for separation of unfit portion and its disposal as chicken feed.** (F. D. C. No. 6998. Sample No. 92235–E.)

Examination of this product showed that it was moldy.

On March 6, 1942, the United States attorney for the Southern District of California filed a libel against 95 bags of chili pods at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by C. L. Prats from Mesilla Park, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 30, 1942, C. L. Prats, claimant, trading as C. L. Prats Chili Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be disposed of as chicken feed.

**4000. Misbranding of mustard and bran. Default decree of condemnation. U. S. v. 24 Cases of Mustard and Bran. Product ordered distributed for charitable purposes.** (F. D. C. No. 7610. Sample No. 79688–E.)

On June 16, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 24 cases of mustard and bran at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by Dee's Foods, Inc., from Bristol, Va., and Bristol, Tenn.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement on the jars "Contents 2 Pounds Dee's Energized Mustard & Bran" was false and misleading, since the jars contained less than 2 pounds. It was alleged to be misbranded further in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On July 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed for charitable purposes.

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# FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

# NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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4001–4250

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

PAUL V. MCNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *August 5, 1943.*

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## CEREAL PRODUCTS

### FLOUR AND CORN MEAL

**Nos. 4001 to 4031** report the seizure of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. The time of infestation was not determined except in the case of Nos. 4025 to 4031, where the infestation was found to have been caused by insanitary storage conditions.

**4001. Adulteration of flour. U. S. v. 20 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8365. Sample No. 6049–F.)

This product contained beetles, larvæ, cast skins, capsules, abdomens, pupæ, and miscellaneous insect parts.

On September 16, 1942, the United States attorney for the Western District of Tennessee filed a libel against 20 96-pound sacks of flour at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about January 27, 1942, by Abilene Flour Mills Co. from Abilene, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "Quality Supreme Tastee Biscuit Flour."

On October 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4002. Adulteration of flour. U. S. v. 160 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8176. Sample No. 28329–F.)

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 160 12-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 2, 1942, by Ballard & Ballard Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sunset Self Rising Bleached Flour * * * O. K. Mills * * * Louisville, Ky."

On September 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was delivered to the Federal penitentiary for use as hog feed.

**4003. Adulteration of flour. U. S. v. 65 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8044. Sample Nos. 28305–F, 28306–F.)

On August 5, 1942, the United States attorney for the Northern District of Georgia filed a libel against 65 48-pound sacks of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce in the period from on or about March 19 to on or about May 12, 1942, by the Blair Milling Co., Atchison, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled: "Bleached Snow Lake Flour, Self-rising," or "Bleached White Fox Extra High Patent Flour."

On September 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4004. Adulteration of flour. U. S. v. 34 Bags, 20 Bags, 81 Bags, and 42 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 7907. Sample Nos. 28302–F, 28303–F.)

On or about July 22, 1942, the United States attorney for the Northern District of Georgia filed a libel against 76 48-pound bags, 20 12-pound bags, and 81 24-pound bags, of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 21, 1942, by Cherokee Mills, from Nashville, Tenn., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dixie Queen Bleached Highest Patent Flour * * * Packed By Birmingham Flour Co. Birmingham Ala. Self-Rising," or "Bleached Jack Frost Self-Rising Flour * * * Packed By Cherokee Mills Nashville, Tenn."

On September 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4005. Adulteration of flour. U. S. v. 85 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8354. Sample No. 6046–F.)

On September 12, 1942, the United States attorney for the Western District of Tennessee filed a libel against 85 12-pound sacks of flour at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, by the Chickasha Milling Co. from Chickasha, Okla., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "Circle C Flour."

On October 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4006. Adulteration of flour. U. S. v. 62 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8178. Sample Nos. 29008–F, 29010–F, 29011–F.)

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 62 96-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 12 and June 25, 1942, by H. C. Cole Milling Co. from Chester, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Omega Pure Soft Wheat Flour," "Omega Baker's Flour," or "Clear Lake Flour."

On September 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4007. Adulteration of flour. U. S. v. 150 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution for use as animal feed.** (F. D. C. No. 7943. Sample No. 1702–F.)

On July 23, 1942, the United States attorney for the Western District of Michigan filed a libel against 150 bags, each containing 100 pounds of flour, at

Fremont, Mich., alleging that the article had been shipped in interstate commerce on or about June 12, 1942, by the Evans Milling Co., from Indianapolis, Ind., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution for use as animal feed.

**4008. Adulteration of flour. U. S. v. 35 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8299. Sample No. 25211–F.)

On September 2, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 35 24-pound bags of flour at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, by Gwinn Bros. & Co., from Huntington, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Gwinn's Lily White Flour Self-Rising * * * Bleached."

On September 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4009. Adulteration of flour. U. S. v. 60 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8303. Sample No. 29541–F.)

On September 1, 1942, the United States attorney for the Southern District of Georgia filed a libel against 60 98-pound bags of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on July 14, 1942, by the International Milling Co., from Davenport, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Seal of Minnesota Flour."

On September 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4010. Adulteration of flour. U. S. v. 16 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8266. Sample No. 25210–F.)

On August 29, 1942, the United State attorney for the Eastern District of Virginia filed a libel against 16 98-pound bags of flour at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about May 21, 1942, by the Loudonville Milling Co. from Loudonville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Home Plate Fancy Flour Patent."

On September 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4011. Adulteration of flour. U. S. v. 78 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 8243. Sample No. 24315–F.)

On August 25, 1942, the United States attorney for the District of Maryland filed a libel against 78 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 8, 1942, by W. E. Manifold from Fawn Grove, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 25, 1942, Legg & Co. of Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was denatured and manufactured into paper-hanger's paste.

**4012. Adulteration of flour. U. S. v. 251 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8348. Sample No. 4309–F.)

On September 10, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 251 24-pound sacks of flour at Maysville, Ky., alleging that the article had been shipped in interstate commerce on or about February 14, 1942, by the New Era Milling Company from Arkansas City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Polar Bear Bleached Flour."

On October 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4013. Adulteration of flour. U. S. v. 116 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8175. Sample No. 28328–F.)

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 116 bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about May 11, 1942, by Snell Milling Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Burgundy Rose Self-rising Flour * * * Pioneer Mills * * * Louisville, Ky."

On September 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4014. Adulteration of flour. U. S. v. 112 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured and disposed of as animal feed.** (F. D. C. No. 8034. Sample No. 17816–F.)

On August 3, 1942, the United States attorney for the Eastern District of New York filed a libel against 112 bags, each containing 140 pounds, of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about January 24, 1942, by the Stanard Tilton Milling Co. from Alton, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Mariposa Harina de Trigo Patente de Exportacion St. Louis, U. S. A."

On September 4, 1942, Spilke's Bakery, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of the Food and Drug Administration and disposed of as animal feed.

**4015. Adulteration of flour. U. S. v. 241 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 8386. Sample No. 6050–F.)

On September 18, 1942, the United States attorney for the Western District of Tennessee filed a libel against 241 sacks of flour at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about May 30, 1942, by the Universal Mills from Fort Worth, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Ful-Pan Special Bakers Flour Bleached."

On October 13, 1942, R. Van Brocklin and S. A. Van Brocklin, trading as Co-Operative Flour System, Memphis, Tenn., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of as animal feed.

**4016. Adulteration of flour. U. S. v. 48 Bags, 21 Bags, 15 Bags, and 315 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8139. Sample Nos. 9402–F to 9405–F, incl.)

On August 18, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 363 24-pound bags and 36 48-pound bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about May 26, 1942, by the Western Star Mill Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Star Finest Family Flour Bleached," or "Short Patent Kansas Star Flour Bleached."

On October 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4017. Adulteration of flour. U. S. v. 143 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8254. Sample No. 9161–F.)

On August 26, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 143 12-pound bags of flour at Hammond, La., alleging that the article had been shipped in interstate commerce on or about April 13, 1942, by the Wolf Milling Co. from Ellinwood, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Southern Lady Flour."

On October 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4018. Adulteration of flour. U. S. v. 30 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8065. Sample No. 28311–F.)

On August 6, 1942, the United States attorney for the Northern District of Georgia filed a libel against 30 bags of flour at Marietta, Ga., alleging that the article had been shipped in interstate commerce on or about June 17, 1942, by the Wolff Milling Co. from New Haven, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached * * * Wolff's Forethought Flour."

On September 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4019. Adulteration of flour. U. S. v. 79 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8033. Sample No. 28628–F.)

On August 4, 1942, the United States attorney for the Middle District of Georgia filed a libel against 79 bags of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about May 27, 1942, by the Yukon Mill & Grain Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance The article was labeled in part: "Yukons Best Bleached Phosphated Flour."

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4020. Adulteration of corn flour. U. S. v. 11 Barrels of Corn Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8390. Sample Nos. 4420–F, 4421–F.)

On September 21, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 11 300-pound barrels of corn flour at Newport, Ky., alleging that the article had been shipped in interstate commerce on or about August 3 and September 8, 1942, by the Griffith Laboratories, Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Griffith's Sausage Special Binder Flour."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4021. Adulteration of rye flour. U. S. v. 13 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 8244. Sample No. 24316–F.)

On August 25, 1942, the United States attorney for the District of Maryland filed a libel against 13 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, by the Mills of Albert Lea Co. from Hastings, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Christian's Pure Medium Rye Flour * * * Bleached Manufactured by Christian Mills, Inc. * * * Minneapolis, Minn."

On September 25, 1942, Legg & Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was denatured for use as animal feed.

**4022. Adulteration of doughnut flour. U. S. v. 22 Barrels of Doughnut Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8080. Sample No. 28312–F.)

On August 10, 1942, the United States attorney for the Northern District of Georgia filed a libel against 22 barrels of doughnut flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by the Mayflower Doughnut Co. from Miami, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Lite Fluf Doughnut Mixture 200 lbs. Net. Doughnut Corporation of America * * * New York."

On September 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4023. Adulteration of rye meal and buckwheat flour. U. S. v. 20 Bags of Rye Meal and 379 Bags of Buckwheat Flour. Decrees of condemnation. Rye meal ordered destroyed. Buckwheat flour ordered released under bond to be denatured for use as animal feed.** (F. D. C. Nos. 8053, 8086. Sample Nos. 17916–F, 14104–F.)

On August 4 and 5, 1942, the United States attorneys for the Eastern District of New York and the Southern District of California filed libels against 20

98-pound bags of rye meal at Brooklyn, N. Y., and 379 100-pound bags of buckwheat flour at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about April 2 and August 8, 1942, by Frank H. Blodgett, Inc., from Janesville, Wis.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances.

The articles were labeled in part: "Pure Rye Meal F. W. Stock & Sons Hillsdale, Mich. Distributors," or "Old Times A Pure Buckwheat Product."

On October 8, 1942, the Pillsbury Flour Mills Co., doing business as the Globe Mills Co. at Los Angeles, Calif., claimant for the buckwheat flour seized at that city, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and disposed of as animal feed. On October 19, 1942, no claimant having appeared for the rye meal seized at Brooklyn, judgment of condemnation was entered and it was ordered destroyed.

**4024. Adulteration of flour. U. S. v. 504 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as poultry or animal feed.** (F. D. C. No. 8480. Sample No. 17841–F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 504 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 12, 1942, by the Kansas Milling Co., Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Santa Fe Trail Bleached Flour."

On October 28, 1942, the Miller Bakeries Corporation of Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as poultry or animal feed.

**4025. Adulteration of flour. U. S. v. 2,000 Bags of Flour. Decree of condemnation. Product ordered released under bond for reconditioning for use as poultry feed.** (F. D. C. No. 9017. Sample No. 14297–F.)

This product had been stored after shipment under insanitary conditions and, when examined, it contained rodent hairs, insects, larvae, and miscellaneous insect fragments. The bags on the top and sides had been gnawed by rodents and rodent urine stains and pellets were observed on the bags.

On December 14, 1942, the United States attorney for the Southern District of California filed a libel against 2,000 49-pound bags of flour stored at Bonded Warehouse No. 9, Bekins Van & Storage Co., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 9 and 11, 1942, from Vancouver, British Columbia, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bag) "Egyptian Brand Hard Wheat Flour."

On January 15, 1943, the Golden Eagle Milling Co., of Petaluma, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning for use as poultry feed under the supervision of the Food and Drug Administration.

**4026. Adulteration of flour. U. S. v. 233 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use by paste manufacturers.** (F. D. C. No. 7576. Sample No. 89208–E.)

On June 1, 1942, the United States attorney for the District of Connecticut filed a libel against 233 98-pound bags of flour in the possession of the Pomerantz Bakery, Inc., at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about April 9, 1942, from Minneapolis, Minn.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Pillsbury's Kanabec Flour Bleached."

On January 28, 1943, the Pomerantz Bakery, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration so that it could be used in the manufacture of paste.

**4027. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8294. Sample No. 17826–F.)

On August 31, 1942, the United States attorney for the Eastern District of New York filed a libel against 20 bags of flour at Maspeth, L. I., N. Y., alleging that the

article had been shipped in interstate commerce on or about February 25, 1942, from Minneapolis, Minn., and that it was in possession of J. Pechman & Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pillsbury's Pure Dark Rye Flour."

On October 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4028. Adulteration of flour. U. S. v. 11 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8276. Sample Nos. 16910–F, 17820–F.)

On August 29, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 11 bags of flour at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about June 16, 1942, from East Buffalo, N. Y., and that it was in possession of the Giant Markets, Scranton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pillsbury's Best Flour."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4029. Adulteration of flour. U. S. v. 13 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8195. Sample No. 17824–F.)

On August 26, 1942, the United States attorney for the Southern District of New York filed a libel against 13 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 26, 1942, and that it was in the possession of the Mother's Pie Co., New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Washburn's Glory Flour."

On October 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4030. Adulteration of flour. U. S. v. 5 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8280. Sample Nos. 17822–F, 16911–F.)

On August 29, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 5 98-pound bags of flour at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about September 26, 1941, from Evansville, Ind., and that it was in possession of David Spruks Co., Scranton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Igleheart's Swans Down Cake Flour."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4031. Adulteration of Sturdiwheat. U. S. v. 76 Sacks of Sturdiwheat Sterilized. Product ordered disposed of as hog feed.** (F. D. C. No. 8199. Sample No. 15369–F.)

On August 26, 1942, the United States attorney for the District of Utah filed an information against 76 98-pound sacks of Sturdiwheat at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about April 29, 1942, from Winona, Minn., and that it was in possession of the Holsum Bread Co., Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Sacks) "Sturdiwheat Sterilized, manufactured by Bay State Milling Company, Winona, Minnesota."

On October 10, 1942, no claimant having appeared, judgment was entered ordering that the product be disposed of as hog feed under the supervision of the United States marshal.

**Nos. 4032 to 4048** describe actions based on corn meal found filthy because of contamination by rodents, insect infestation, or both.

**4032. Adulteration of corn meal. U. S. v. Interstate Milling Co. Plea of nolo contendere. Fine, $300.** (F. D. C. No. 7735. Sample Nos. 28119–F, 28120–F, 28659–F, 28660–F.)

On October 23, 1942, the United States attorney for the Western District of North Carolina filed an information against the Interstate Milling Co., a corporation, Charlotte, N. C., alleging shipment within the period from on or about July 13 to on or about August 13, 1942, from the State of North Carolina into the State of Florida of quantities of corn meal that was adulterated. The article was labeled in part: "Rock Ground Triangle Crystal White Meal."

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta fragments; and (2) in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 23, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on each count or a total of $300.

**4033. Adulteration of corn meal. U. S. v. Juliette Milling Co., a corporation. Plea of guilty. Fine, $50.** (F. D. C. No. 4131. Sample Nos. 20432–E to 20434–E, incl.)

On February 19, 1942, the United States attorney for the Middle District of Georgia filed an information against the Juliette Milling Co., a corporation, at Juliette, Ga., alleging shipment on or about July 29, 1940, from the State of Georgia into the State of Florida of a quantity of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Juliette Meal."

On October 19, 1942, a plea of guilty having been entered on behalf of the defendant the court imposed a fine of $50.

**4034. Adulteration of corn meal. U. S. v. John G. Small. Plea of guilty. Fine, $100.** (F. D. C. No. 7205. Sample No. 59458–E.)

On May 20, 1942, the United States attorney for the Eastern District of North Carolina filed an information against John G. Small, Edenton, N. C., alleging shipment on or about October 13, 1941, from the State of North Carolina into the State of Virginia of a quantity of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Best Quality Water Ground Unbolted Corn Meal."

On September 28, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

**4035. Adulteration of corn meal and flour. U. S. v. J. D. Perkerson's Sons. Plea of nolo contendere. Fine, $200.** (F. D. C. No. 6494. Sample Nos. 49863–E, 49868–E.)

On June 2, 1942, the United States attorney for the Northern District of Georgia filed an information against J. D. Perkerson's Sons, a corporation, Austell, Ga., alleging shipment on or about October 1 and October 24, 1941, from the State of Georgia into the State of Louisiana of quantities of flour and corn meal that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Perkerson's Southern Style Fresh Unbolted Corn Meal," or "Perkerson's Fresh Old Fashioned Whole Wheat Flour."

On September 24, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200.

**4036. Adulteration of corn meal. U. S. v. 69 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8358. Sample No. 4315–F.)

On September 14, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 69 bags, each bag containing 25 pounds, of corn meal at Olive Hill, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about August 26 to on or about September 3, 1942, by the State Farm Bureau Cooperative Association from Lucasville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, namely, rodent excreta. The article was labeled in part: (Bags) "Dixie Maid Corn Meal Scioto F. B. Co-Op. Ass'n, Inc., Lucasville Mill, Lucasville, Ohio."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4037. Adulteration of corn meal. U. S. v. 11 Sacks of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8193. Sample No. 29012–F.)

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 11 sacks of corn meal at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 30, 1942, from Birmingham, Ala., by the Western Grain Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Omega White Cream Corn Meal."

On September 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4038. Adulteration of corn meal. U. S. v. 55 Sacks of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8347. Sample No. 6037–F.)

On September 11, 1942, the United States attorney for the Western District of Tennessee filed a libel against 55 24-pound sacks of corn meal at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 30, 1942, by the Mt. Vernon Milling Co. from Mt. Vernon, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Degerminated Posey County Cream Corn Meal."

On October 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4039. Adulteration of corn meal. U. S. v. 502 Bags of Corn Meal. Default decree of condemnation. Product ordered distributed to charitable institutions for use as animal feed.** (F. D. C. No. 8256. Sample No. 28708–F.)

On August 29, 1942, the United States attorney for the Western District of South Carolina filed a libel against 296 6-pound bags, 156 12-pound bags, 40 24-pound bags and 10 48-pound bags of corn meal at Rock Hill, S. C., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by Eagle Roller Mills Co., Inc., from Shelby, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cleveland Fresh Stone Ground Corn Meal."

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions for use as animal feed.

**4040. Adulteration of corn meal. U. S. v. 219 Bales (5,457 Bags) Corn Meal (and 1 other seizure action against corn meal). Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 8324, 8382. Sample Nos. 24454–F, 24504–F.)

On September 4 and 18, 1942, the United States attorney for the District of Maryland filed libels against 421 bales, each full bale containing 25 2-pound bags, 232 bales, each containing 10 5-pound bags, and 112 bales, each containing 5 10-pound bags, of corn meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 7 and September 1, 1942, by George K. Crutchfield, Jr., from Lynnwood, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Crutchfield Pamunkey Mills Brand * * * Corn Meal Knox Crutchfield, Richmond, Va."

On September 11 and October 9, 1942, George K. Crutchfield, Jr., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration. It was denatured and relabeled.

**4041. Adulteration of corn meal. U. S. v. 42 Bags and 16 Bags of Corn Meal (and 1 other seizure action against corn meal). Decrees of condemnation. Product ordered released under bond to be disposed of as animal feed.** (F. D. C. Nos. 8072, 8321. Sample Nos. 28119–F, 28659–F.)

On August 10 and September 9, 1942, the United States attorney for the Southern District of Florida filed libels against 199 bags, each containing 96 pounds, and 105 bags, each containing 48 pounds, of flour at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 13 and August 13, 1942, by the Interstate Milling Co. from Charlotte, N. C.; and charging that it was adulterated. The article was labeled in part: "Triangle Crystal White Meal."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. A portion was alleged to be adulterated in that it had been

prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 2 and September 26, 1942, the Interstate Milling Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of as animal feed.

**4042. Adulteration of corn meal. U. S. v. 136 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a charitable institution to be denatured for use as dairy food.** (F. D. C. No. 8007. Sample No. 24215–F.)

On July 30, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 136 bags of corn meal at Marfrance, West Va., alleging that the article had been shipped in interstate commerce on or about July 7 and July 13, 1942, by the Alleghany Milling Co., Inc., Covington, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Virginia's Best White Bolted Corn Meal."

On September 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for use as dairy food.

**4043. Adulteration of corn meal. U. S. v. 650 Bags and 170 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8350. Sample No. 4313–F.)

On September 10, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 650 10-pound bags and 170 25-pound bags of corn meal at Ashland, Ky., alleging that the article had been transported in interstate commerce on or about September 1, 1942, from the Scioto Farm Bureau Cooperative Association, Lucasville, Ohio; and charging that it was adulterated in that it consisted in whole or part of a filthy substance. The article was labeled in part: (Bag) "Ballard's Cream Bolted Meal Manufactured For and Distributed by Ballard & Ballard Co. Louisville, Ky."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4044. Adulteration of corn meal. U. S. v. 26 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8351. Sample No. 4310–F.)

On September 11, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 26 10-pound bags of corn meal at Vanceburg, Ky., alleging that the article had been transported in interstate commerce on or about August 25, 1942, from the P. H. Harsha Milling Co., Portsmouth, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Corn Meal, Magnolia Kiln Dried."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4045. Adulteration of corn meal. U. S. v. 150 Bags and 85 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8352. Sample No. 4311–F.)

On September 11, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 150 10-pound bags and 85 25-pound bags of corn meal at Ashland, Ky., alleging that the article had been transported in interstate commerce on or about July 22 and August 28, 1942, from the Goldcamp Mill Co., Ironton, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Prize Taker Corn Meal. The Goldcamp Mill Co., Ironton, Ohio."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4046. Adulteration of corn meal. U. S. v. 36 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8389. Sample No. 4323–F.)

On September 21, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 36 25-pound bags of corn meal at Paintsville, Ky., alleging that the article had been shipped in interstate commerce on or about September 3 and 4, 1942, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy

substance. The article was labeled in part: (Bags) "Eshelman Red Rose White Corn Meal."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4047. Adulteration of corn meal. U. S. v. 50 Bags and 70 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8089. Sample Nos. 17917–F, 17918–F.)

On August 10, 1942, the United States attorney for the Southern District of New York filed a libel against 120 100-pound bags of corn meal at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 27, 1942, by the Evans Milling Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Eagle Brand Yellow Meal," or "Goldfinch Brand Yellow Meal."

On October 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4048. Adulteration of corn meal. U. S. v. 175 Bags of Corn Meal. Consent decree of condemnation. Product released under bond for denaturing for use as animal feed.** (F. D. C. No. 8314. Sample Nos. 8917–F, 8918–F.)

On September 2, 1942, the United States attorney for the Southern District of Texas filed a libel against 56 20-pound bags, 70 50-pound bags, and 49 100-pound bags of corn meal at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about June 19, 1940, by the Crete Mills from Crete, Neb.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "H & P Special White [or "Yellow"] Corn Meal."

On October 31, 1942, Henke & Pilot, Inc., of Houston, Tex., claimant, having admitted allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration for use as animal feed.

## BAKERY PRODUCTS

**4049. Adulteration of bread and cake. U. S. v. Fisher Baking Co. Plea of nolo contendere. Fine, $100.** (F. D. C. No. 7293. Sample Nos. 81282–E, 81283–E, 81288–E, 81290–E.)

These products contained rodent-hair fragments and other hair fragments resembling cat hairs.

On July 25, 1942, the United States attorney for the District of Utah filed an information against the Fisher Baking Co., a corporation, Salt Lake City, Utah, alleging shipment on or about March 10, 1942, from the State of Utah into the State of Wyoming of quantities of bread and cake that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Fisher's Bread," "Fisher's Butter Angel Food Cake," or "Jelly Roll."

On October 31, 1942, a plea of nolo contendere was entered on behalf of the defendant and on November 6, 1942, the court imposed a fine of $25 on each of the 4 counts in the information.

**4050. Adulteration of cookies. U. S. v. Consumers Biscuit Co., Inc., and Albert Bing. Pleas of guilty. Fine of $2,000 against corporation and $500 against individual.** (F. D. C. No. 7286. Sample Nos. 40673–E, 74761–E to 74763–E, incl., 89060–E, 89064–E.)

This product contained rodent hairs, insect fragments, human hair fragments, cat hair fragments, insect excreta, paint and metal fragments, and wood splinters.

On August 31, 1942, the United States attorney for the Southern District of New York filed an information against the Consumers Biscuit Co., Inc., trading at New York, N. Y., and Albert Bing, alleging shipment on or about February 6 and 18, 1942, from the State of New York into the States of Pennsylvania and New Jersey of quantities of cookies that were adulterated. The article was labeled in part: "Fig Bars," "Raisin Cookies," "Sugar Cookies," or "Iced Spiced Jumbles."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared and packed under insanitary conditions whereby it became contaminated with filth.

On October 7, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $2,000 against the corporation and a fine of $500 against Albert Bing.

**4051. Adulteration of vanilla wafers. U. S. v. 46 Dozen Packages of Vanilla Wafers. Default decree of condemnation and destruction.** (F. D. C. No. 7639. Sample No. 48441–E.)

This product contained rodent hairs.

On June 15, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 46 dozen packages of vanilla wafers at Darlington, S. C., alleging that the article had been shipped in interstate commerce on or about April 22 and May 16, 1942, by Murray Bros., Inc., from Augusta, Ga.; and charging that it was adulterated. The article was labeled in part: "Southern Style Vanilla Wafers."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 17, 1942, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

## MACARONI PRODUCTS

**4052. Adulteration and misbranding of Chili-Mac dinner, and misbranding of macaroni and cheese dinner, and egg noodles and cheese. U. S. v. 41 Cases of Macaroni and Cheese Dinner, 25 Cases of Egg Noodles and Cheese, and 45 Cases of Chili-Mac Dinner. Default decree of condemnation and destruction.** (F. D. C. No. 8025, Sample Nos. 15528–F to 15530–F, incl.)

Examination of the Chili-Mac dinner showed that it contained rodent hairs and insect fragments. Examination of all products showed an average head space of 40.5 percent in the cartons of macaroni and cheese dinner; an average head space of 39.2 percent in the cartons of egg noodles and cheese; and an average head space of 45.5 percent in the cartons of the Chili-Mac dinner.

On August 5, 1942, the United States attorney for the District of Montana, filed a libel against the above-named products at Butte, Mont., alleging that the articles had been shipped in interstate commerce on or about June 15, 1942, by the Superior Macaroni Co. from Los Angeles, Calif.; and charging that they were misbranded and that the Chili-Mac Dinner was also adulterated. The articles were labeled in part: "Superio Macaroni and Cheese Dinner," "Superio Brunch a New Taste Egg Noodles with a New Cheese Blend," or "Superio Chili-Mac Dinner, Macaroni and Chili Mix."

The Chili-Mac dinner was alleged to be adultered in that it consisted in whole or in part of a filthy substance. All products were alleged to be misbranded in that their containers were so made and filled as to be misleading, since the cartons were too large for the amount of food they contained.

On September 1, 1942, no claimant having appeared, judgement of condemation was entered and the products were ordered destroyed.

**4053. Adulteration and misbranding of Italian spaghetti dinner. U. S. v. 21 Cases of Italian Spaghetti Dinner. Default decree of condemnation and destruction.** (F. D. C. No. 8006. Sample No. 15526–F.)

The mushroom sauce in this product contained decomposed material, as evidenced by the presence of mold. The cheese contained cheese mites and nondescript dirt and had been made from skim milk. The cartons were not filled to their capacity, the average head space in one size being 27.7 percent and in the other size being 33.8 percent.

On July 31, 1942, the United States attorney for the District of Montana filed a libel against 22 cases, each containing 12 cartons, of spaghetti dinner at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about April 6 and May 26, 1942, by the Superior Macaroni Co., from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Carton) "Superio Brand Italian Spaghetti Dinner."

The article was alleged to be adulterated in that the mushroom sauce consisted in whole or in part of a decomposed substance, and in that the grated cheese consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that the statements (carton) "Italian Style Grated Cheese * * * Rich and Creamy Grated Cheese," and (glassine bag containing cheese) "Grated Italian Style Cheese," were false and misleading as applied to an article made from skim milk; and in that its container was so made, formed, or filled as to be misleading.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4054. Adulteration of egg noodles. U. S. v. 34 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 8242. Sample No. 14113–F.)

This product was insect-infested.

On August 27, 1942, the United States attorney for the District of Nevada filed a libel against 34 cases, each case containing 12 cellophane bags of egg noodles at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about January 2 and April 30, 1941, by the Superior Macaroni Co. through the Spartan Grocers, from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Delicious Brand Kwik-Kook Egg Noodles."

On September 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4055. Adulteration of canned spaghetti. U. S. v. 73 Cases of Canned Spaghetti. Default decree of condemnation and destruction.** (F. D. C. No. 7333. Sample No. 87475–E.)

The tomato sauce in this canned spaghetti contained mold, indicating the presence of decomposed material.

On April 14, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 73 cases each containing 48 cans of spaghetti at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about February 9, 1942, by Phillips Sales Co. from Cambridge, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Phillips Delicious Cooked Spaghetti with Tomato Sauce and Cheese."

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS CEREAL PRODUCTS

**4056. Adulteration of grits. U. S. v. 371 Bags of Grits. Default decree of condemnation and destruction.** (F. D. C. No. 8164. Sample Nos. 9235–F, 9236–F.)

This product was insect-infested.

On August 19, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 371 24-pound bags of grits at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about July 11, 1942, by the Evans Milling Co., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Emco Medium [or "Coarse"] Grits."

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4057. Adulteration of grits. U. S. v. 77 Bags of Grits. Default decree of condemnation and destruction.** (F. D. C. No. 8136. Sample No. 9228–F).

This product was insect-infested.

On August 14, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 77 98-pound bags of grits at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about July 21, 1942, by the Houston Milling Co. from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Polly Brand Fancy Hominy Grits."

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4058. Adulteration of rice. U. S. v. 18 Bags of Rice. Default decree of condemnation and destruction.** (F. D. C. No. 8349. Sample No. 4312–F.)

This product contained weevils.

On September 10, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 18 100-pound bags of rice at Ashland, Ky., alleging that the article had been shipped in interstate commerce on or about March 14, 1942, by the Walton Rice Mill, Inc., from Stuttgart, Ark.; and charging it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dixieland Rice."

On October 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4059. Adulteration of rice. U. S. v. 370 Bags of Rice. Consent decree of condemnation. Product ordered released under bond for segregating the sound from the unsound.** (F. D. C. No. 8149. Sample No. 13204-F.)

This product had been stored, after shipment, under insanitary conditions and when examined the bags showed evidence of contamination by rodents.

On August 19, 1942, the United States attorney for the Western District of Washington filed a libel against 370 100-pound bags of rice at Seattle, Wash., alleging that the article was in possession of the Olympic Warehouse & Cold Storage Co., and that it had been shipped in interstate commerce on or about April 1, 1942, from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Diamond Brand Texas Patna Rice."

On September 9, 1942, Arthur B. King, F. Y. Louie, and Louie Kui, trading as Tsue Chong Co., having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond for segregation of the sound from the unsound portion under the supervision of the Food and Drug Administration. The unsound portion was destroyed or denatured.

**4060. Adulteration of powdered St. John's bread. U. S. v. 32 Barrels of Powdered St. John's Bread. Default decree of destruction.** (F. D. C. No. 7902. Sample No. 68361-E.)

This product contained capsicum or some other pungent substance foreign to St. John's Bread.

On July 14, 1942, the United States attorney for the District of Minnesota filed a libel against 32 barrels of St. John's Bread at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by S. B. Penick & Co. from Chicago, Ill.; and charging that it was adulterated in that an article containing capsicum or other pungent substance had been substituted wholly or in part for St. John's Bread.

On September 8, 1942, no claimant having appeared, judgment was entered ordering the product be destroyed.

## CONFECTIONERY AND SUGARS

### CANDY

**Nos. 4061 to 4088** report the disposition of legal actions involving lots of candy shipped in interstate commerce. Analysis of these candies showed that they contained one or more of various types of filth contamination such as rodent pellets, rodent hairs, insects, insect fragments, larvae, and miscellaneous filth.

**4061. Adulteration of candy. U. S. v. Nishan Androyan (Eastern Candy Co.). Plea of nolo contendere. Judgment of guilty. Fine, $1,000.** (F. D. C. No. 6433. Sample Nos. 24146-E, 24147-E, 40712-E, 59865-E, 59866-E, 59881-E.)

On August 12, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Nishan Androyan, trading as Eastern Candy Co., Philadelphia, Pa., alleging shipment within the period from on or about September 12, 1940, to on or about March 14, 1942, from the State of Pennsylvania into the States of Maryland and New Jersey of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Cocoanut Cream Eggs," "Fruit and Nut Egg," "Butter Creams," "Cocoanut Clusters," "Cashew Clusters," or " 'Tas-Tee' Peanut Chews."

On September 10, 1942, a plea of nolo contendere having been entered the court found the defendant guilty and imposed a fine of $1,000.

**4062. Adulteration of candy. U. S. v. The McPhail Corporation. Plea of nolo contendere. Fine $100. Sentence suspended for a period of 1 year.** (F. D. C. No. 7246. Sample Nos. 37596-E, 37598-E, 48547-E, 48999-E, 49000-E, 70229-E.)

On June 29, 1942, the United States attorney for the Southern District of Florida filed an information against the McPhail Corporation, Jacksonville, Fla., alleging shipment within the period from on or about December 3 to on or about December 9, 1941, from the State of Florida into the States of Georgia and

South Carolina of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance and had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Russell McPhail Chocolates."

On October 5, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50 without costs on count 1 and $50 with costs on the remaining 5 counts, but ordered that sentence be suspended for a period of 1 year.

**4063. Adulteration of candy. U. S. v. Health Food Products Co. Inc. (Mattingly Candy Co.) and W. Roy Clark. Pleas of guilty. Both defendants fined $250 and costs on count 1 and $1,000 on count 2. Payment of fines on count 2 suspended.** (F. D. C. No. 7204. Sample Nos. 79901–E, 29415–E to 29419–E, incl., 29489–E.)

On June 24, 1942, the United States attorney for the Western District of Kentucky filed an information against the Health Food Products Co., Inc., also trading as Mattingly Candy Co., Louisville, Ky., and W. Roy Clark, alleging shipment on or about June 19 and May 22, 1941, from the State of Kentucky into the States of Indiana and Ohio of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Uncle Willie," "Scottie's Pecan Pie," "Scottie's Health Food," "Scottie's Oats-O-Peanuts," "Scottie's Cheese-N-Nut," "Scottie's Butter-Crisp," "Matty Boy Stick Candy."

On October 13, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $250 and costs against each defendant on count 1 and a fine of $1,000 against each defendant on count 2. Payment of the fines on count 2, however, was suspended.

**4064. Adulteration of candy. U. S. v. Edward T. James, Jr., (United Candy Co.). Plea of nolo contendere. Fine $200.** (F. D. C. No. 7655. Sample Nos. 48408–E, 48409–E, 48425–E, 70456–E.)

On August 31, 1942, the United States attorney for the Western District of North Carolina filed an information against Edward T. James, Jr., trading as United Candy Co. at Charlotte, N. C., alleging shipment within the period from on or about March 16 to on or about April 18, 1942, from the State of North Carolina into the State of South Carolina of quantities of candy that was adulterated. The article was labeled in part: "Peco Bar," "Fudge Bar," "Rainbow Bar," "Peanut Roll," "Big Pop Roll," "Cocoa Fudge," "Big Stick," "Cocoanut Bar," "Peanut Bar," or "Peanut Butter Bar." It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 5, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $200.

**4065. Adulteration of candy. U. S. v. McCord-Stewart Co. Plea of nolo contendere. Fine, $200.** (F. D. C. No. 7663. Sample Nos. 48431–E, 48432–E, 70427–E, 70428–E, 70453–E.)

On September 16, 1942, the United States attorney for the Northern District of Georgia filed an information against the McCord-Stewart Co., a corporation, Atlanta, Ga., alleging shipment in the period from on or about February 5 to on or about April 8, 1942, from the State of Georgia into the States of South Carolina and Alabama of quantities of candy which was adulterated. The article was labeled in part: "Farm Bell Stick Candy."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 25, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $200.

**4066. Adulteration of candy. U. S. v. Pascal D. Meadors and Morris M. Meadors (Meadors Manufacturing Co.) Pleas of nolo contendere. Fine of $50 against each defendant.** (F. D. C. No. 7312. Sample Nos. 70458–E, 70459–E, 70724–E, 70741–E.)

On August 4, 1942, the United States attorney for the Western District of South Carolina filed an information against Pascal D. Meadors and Morris M. Meadors, copartners, trading as Meadors Manufacturing Co., at Greenville, S. C., alleging shipment within the period from on or about November 25, 1941, to on or about March 27, 1942, from the State of South Carolina into the State

of North Carolina of a quantity of candy that was adulterated. The article was labeled: "M. M. Bananas," "Big Meadors Apple," or "Meadors Level Best Kokomo Iges."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 6, 1942, the defandants having entered pleas of nolo contendere, the court imposed a fine of $50 upon each individual defendant.

**4067. Adulteration of candy. U. S. v. Norris, Inc., a corporation. Plea of nolo contendere. Fine, $200.** (F. D. C. No. 5479. Sample Nos. 19324–E, 19325–E, 28545–E, 28546–E, 34548–E, 34549–E, 34550–E, 37411–E to 37413–E, incl., 37420–E.)

On December 5, 1941, the United States attorney for the Northern District of Georgia filed an information against Norris, Inc., at Atlanta, Ga., alleging shipment in interstate commerce in the name of Norris, Inc., Brookwood Candies, Inc., and Marcelle Candies, Inc., within the period from on or about September 20 to on or about November 19, 1940, from the State of Georgia into the States of Pennsylvania, Virginia, New York, and North Carolina, of quantities of candy that was adulterated. Portions of the article were labeled in part: "Esquire Chocolate Coated Cordial Cherries"; "Caprice Chocolate Coated Cordial Cherries"; "Lamar Chocolate Covered Peppermints [or "Maple Cream Walnuts," "Butter Creams," "Vanilla Caramels"]"; or "Della Robbia Mints."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 24, 1942, a plea of nolo contendere was entered on behalf of the defendant and on September 25, 1942, the court imposed a fine of $200.

**4068. Adulteration of candy. U. S. v. Aram E. Attarian (Tower Candy Co.). Plea of guilty. Fine $100.** (F. D. C. No. 6484. Sample Nos. 74711–E, 70202–E, 70204–E, 59059–E, 59061–E.)

On September 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Aram E. Attarian, trading as Tower Candy Co., at Philadelphia, Pa., alleging shipment on or about September 25 and 27, 1941, from the State of Pennsylvania into the States of New York, Georgia, and Maryland of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Box) "High Grade Chocolates L Lunch Roll [or "Vanilla Creams," "Cocoanut Creams," "Jelly," "Pineapple Creams," "Mints," "L. Good," "Caramels," or "Maple Creams"]."

On November 13, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

**4069. Adulteration of candy. U. S. v. Lonnie E. Carter, (Carter Candy Co.) Plea of nolo contendere. Fine, $200.** (F. D. C. No. 7662. Sample Nos. 48570–E, 70673–E, 70679–E.)

On September 16, 1942, the United States attorney for the Northern District of Georgia filed an information against Lonnie E. Carter, trading as Carter Candy Co. at Marietta, Ga., alleging shipment within the period from on or about March 25 to on or about April 10, 1942, from the State of Georgia into the States of Alabama and Tennessee, of quantities of candy that was adulterated. The article was labeled: "Peaco Bars," "Cocoanut Bon Bons," "Cannon Balls (Asst.)," "Cocoanut Fudge Squares"; or "Marshmallow."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of hair fragments resembling rodent hairs, and miscellaneous insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 24, 1942, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of $200.

**4070. Adulteration of candy. U. S. v. James M. Claxton (J. M. C. Sales Co.). Plea of nolo contendere. Defendant placed on probation.** (F. D. C. No. 6506. Sample Nos. 37574–E, 37575–E.)

On May 20, 1942, the United States attorney for the Northern District of Georgia filed an information against James M. Claxton, trading as J. M. C. Sales Co. at Atlanta, Ga., alleging shipment on or about October 8, 1941, from the State of Georgia into the State of South Carolina, of a quantity of candy

which was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Peco Bar," "Cream Bar," or "Stick Candy."

On September 15, 1942, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for a period of 1 year.

**4071. Adulteration of candy. U. S. v. Barney S. Fogle (Fogle Candy Co.) Plea of nolo contendere. Fine $50.** (F. D. C. No. 7302. Sample Nos. 70511–E, 70652–E and 70659–E.)

On July 28, 1942, the United States attorney for the Western District of North Carolina filed an information against Barney S. Fogle, trading as Fogle Candy Co., at Charlotte, N. C., alleging shipment within the period from on or about January 26, 1942, to on or about February 14, 1942, from the State of North Carolina into the States of Georgia and South Carolina of a quantity of candy that was adulterated. Portions of the article were labeled in part: "Nut Roll," "Fogle Special," "Cab," "Cocoanut Roll," "Fogle Cocoanut," "Stick," "Rainbow," or "Cream Bar."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 5, 1942, defendant having entered a plea of nolo contendere, the court imposed a fine of $50.

**4072. Adulteration of candy. U. S. v. Head Candies, Inc., and Roy C. Head. Plea of nolo contendere. Fine, $200.** (F. D. C. No. 7201. Sample Nos. 37055–E, 37525–E, 48037–E, 48049–E, 48761–E, 70039–E, 70153–E, 70154–E.)

On August 5, 1942, the United States attorney for the Northern District of Georgia filed an information against Head Candies, Inc., Atlanta, Ga., and Roy C. Head, alleging shipment within the period from on or about May 28 to on or about November 2, 1941, from the State of Georgia into the States of Florida, North Carolina, and South Carolina of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the article were labeled in part: "Cream Nut Fudge Van.," "Peanut Brittle," "Tropical Fruit-Loaf Toasted," "Cream Nut Fudge Choc.," or "Pecan Divinity."

On September 25, 1942, a plea of nolo contendere having been entered on behalf of the defendants, the court imposed a joint fine of $200.

**4073. Adulteration of candy. U. S. v. F. M. Paist Co., Frederic M. Paist, and J. Brooke Paist. Pleas of nolo contendere. Fine, $250, against the corporation, and $125 against each individual defendant.** (F. D. C. No. 5582. Sample Nos. 40907–E, 51393–E, 51396–E, 56556–E, 56558–E, 59227–E, 59524–E, 69540–E.)

On June 3, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against F. M. Paist Co., a corporation, Philadelphia, Pa., Frederic M. Paist, and J. Brooke Paist, alleging shipment within the period from on or about April 11 to on or about July 22, 1941, from the State of Pennsylvania into the States of New York, Maryland, Massachusetts and Delaware of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the article were labeled in part: "Mell-O-Pop," "1¢ Delicious Wrapped Confection Assortment," "1¢ Each Pinwheels," "2 for 1¢ Pals," or "Bright Stars."

On October 10, 1942, pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $250 against the corporation and $125 against each of the individual defendants.

**4074. Adulteration of candy. U. S. v. Francis C. Schingen (Schingen Candies). Plea of nolo contendere; judgment of guilty. Fine, $1,000.** (F. D. C. No. 7267. Sample Nos. 54196–E, 87138–E, 90431–E, 90671–E.)

On August 11, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Francis C. Schingen, trading as Schingen Candies at Philadelphia, Pa., alleging shipment within the period from on or about January 16, 1942, to on or about February 16, 1942, from the State of Pennsylvania into the States of New Jersey, Rhode Island, Massachusetts, and the District of Columbia of quantities of candy that was adulterated in that it

consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the article were labeled in part: "Sunray Brand Regular Cocoanut Cream Eggs," or "Ko-Kets Rich * * * Tourraine Brand."

On September 9, 1942, the defendant entered a plea of nolo contendere and on September 10, 1942, the court found the defendant guilty and imposed a fine of $1,000.

**4075. Adulteration of candy. U. S. v. Frank Urban, Edward T. Urban, and George A. Urban (Close & Co.). Pleas of nolo contendere. Frank Urban found guilty on all counts. Imposition of sentence suspended and defendant placed on probation for a period of 1 year. Remaining defendants found not guilty and discharged.** (F. D. C. No. 6440. Sample Nos. 40829–E, 47449–E, 47452–E, 47453–E, 47455–E, 51601–E.)

On April 10, 1942, the United States attorney for the Northern District of Illinois filed an information against Frank Urban, Edward T. Urban, and George A. Urban, copartners trading as Close & Co., Chicago, Ill., alleging shipment within the period from on or about January 9 to on or about May 23, 1941, from the State of Illinois into the States of Rhode Island, Wisconsin, and Pennsylvania of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Twin Sticks 2 for 1¢," "Double Header Sucker * * * 2 for 1¢," Major Pops 2 for 1¢," "Close's Giant 1¢ Stick," "Close's Longfellow Stick," or "United All American Pop."

On October 13, 1942, the defendants having entered pleas of nolo contendere, the court found Frank Urban guilty, but suspended imposition of sentence and placed him on probation for a period of 1 year. The court found the remaining defendants not guilty.

**4076. Adulteration of candy. U. S. v. Washington Candy Co., Inc. Plea of guilty. Fine, $2,000, $1,000 of which was to be suspended on certain conditions.** (F. D. C. No. 6482. Sample Nos. 59006–E, 69595–E.)

On May 15, 1942, the United States attorney for the Southern District of Ohio filed an information against the Washington Candy Co., Inc., at Washington Court House, Ohio, alleging shipment on or about July 16 and 25, 1941, from the State of Ohio, into the District of Columbia and State of New Jersey of quantities of candies which were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Mint Puff," "Mint Tarts," "Boosterettes," "Orange Tarts," "Caramel Puffs," "Molasses Puffs," or "Anise Puffs."

On October 21, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $2,000 but ordered that $1,000 of the fine be suspended if the defendant's factory be brought into such condition, within 30 days, as to meet with the approval of the Food and Drug Administration.

**4077. Adulteration of candy. U. S. v. 8 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7580. Sample No. 93557–E.)

On June 2, 1942, the United States attorney for the Western District of Washington filed a libel against 8 boxes, each box containing 100 bars, of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 1, 1942, by the Euclid Candy Co., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bars) "Euclid's Jumbo Candy Bar."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4078. Adulteration of candy. U. S. v. 18 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8116. Sample No. 15288–F.)

On September 3, 1942, the United States attorney for the District of Colorado filed a libel against 18 cartons of candy at Denver, Colo., which had been consigned by Gimbal Bros. from San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 29, 1942, from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth. The

article was labeled in part: "White Midget Marshmallows Gimbal's Candy Specialties."

On September 30, 1942, Gimbal Bros., having signed an authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered destroyed.

**4079. Adulteration of candy. U. S. v. 24 Boxes and 33 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7933. Sample No. 17421–F.)

On July 17, 1942, the United States attorney for the Northern District of New York filed a libel against 57 boxes of candy at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about June 13, 1942, by Max Glico (the Max Glick Co.) from Cleveland, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth. The article was labeled in part: (Boxes) "80 Grade 'A' Fudge," or "200 Lucky Strike."

On October 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4080. Adulteration of candy. U. S. v. 13 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8058. Sample Nos. 12810–F to 12812–F, incl.)

On August 4, 1942, the United States attorney for the District of Oregon filed a libel against 13 25-pound cases of candies at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about July 9, 1942, by the Los Angeles Nut House from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Peco Ruff," "Choc. Cov. Nut Chews," or "Choc. Delux Fudge."

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4081. Adulteration of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation. Product ordered destroyed.** (F. D. C. No. 7630. Sample No. 76951–E.)

On June 10, 1942 the United States attorney for the District of Minnesota filed a libel against 25 boxes of candy at Rutledge, Minn., alleging that the article had been shipped in interstate commerce on or about May 15, 1942, by the Mackenzie Candy Co., from Cleveland, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Square Deal Brazil Nut Fudge."

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4082. Adulteration of candy. U. S. v. 19 Boxes, 28 Boxes, and 10 Boxes of Candy (and 1 other seizure action against candy). Default decree of condemnation and destruction.** (F. D. C. Nos. 7648, 7649. Sample Nos. 69110–E to 69114–E, incl.)

On June 17, 1942, the United States attorney for the District of New Jersey filed libels against a total of 57 boxes of candy at Newark, N. J., and 33 boxes at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about May 25, 1942, by the National Licorice Co., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Flexible Cigarettes"; "Flexo-Bars"; "Summer Six Assortment Red Lash Whips Penny Sticks Whistles Eats Strawberry Twizzlers Cigarettes."

On September 10 and November 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4083. Adulteration of candy. U. S. v. 7 Cases and 9 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7458. Sample Nos. 93449–E, 93450–E.)

On May 6, 1942, the United States attorney for the Western District of Washington filed a libel against 7 cases, each containing 12 cans, of candy and 9 cases, each containing 24 cans, of candy at Seattle, Wash., alleging that the article had been

shipped in interstate commerce on or about April 8, 1942, by O'Brien's, Inc., from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "O'Brien's Almond Butter Crunch," or "Peanut Crisp Candies."

On October 30, 1942, the shipper having intervened but subsequently having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

**4084. Adulteration of candy. U. S. v. 11 Boxes and 44 Cartons of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7957, 7960. Sample Nos. 61684–E, 12402–F.)

On July 23 and 25, 1942, the United States attorneys for the District of Utah and the District of Oregon filed libels against 11 boxes of candy at Oregon City, Oreg., and 44 cartons of candy at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about June 29 and July 9, 1942, by the Parisian Candy Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "5 Cents Joey Bar," or "Parisian Charmed Land Candies."

On September 8 and 26, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4085. Adulteration of Nut Crunch. U. S. v. 1 Barrel of Nut Crunch. Default decree of condemnation and destruction.** (F. D. C. No. 7887. Sample No. 19681–F.)

On July 11, 1942, the United States attorney for the District of Massachusetts filed a libel against 1 barrel of Nut Crunch at Jamaica Plain, Mass., alleging that the article had been shipped in interstate commerce on or about June 29, 1942, by Relco Bakers Specialty Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4086. Adulteration of candy. U. S. v. 37 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 8059 to 8061, incl. Sample Nos. 22601–F to 22604–F, incl.)

On or about August 4, 1942, the United States attorney for the District of Delaware filed libels against 94 boxes of candy at Wilmington, Del., alleging that the article had been shipped in interstate commerce within the period from on or about June 24 to on or about July 15, 1942, by Schingen Candies, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Tourraine Brand Play Boys," or "Jumbo Ko-Kets."

On September 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4087. Adulteration of candy. U. S. v. 9 Dozen Packages of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7773. Sample No. 94945–E.)

On June 17, 1942, the United States attorney for the District of Minnesota filed a libel against 9 dozen packages of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Keys Candy Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Keys California Fruitettes."

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4088. Adulteration of candy. U. S. v. 10 Cases of Fruitettes. Default decree of condemnation and destruction.** (F. D. C. No. 8064. Sample No. 7224–F.)

On August 5, 1942, the United States attorney for the District of Minnesota filed a libel against 10 cases of candy at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 2, 1942, by Thos.

Keys Candy Manufacturing Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Keys California Fruitettes."

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### SUGAR

**4089. Adulteration of sugar. U. S. v. 26 Bags of Sugar. Default decree of condemnation and destruction.** (F. D. C. No. 8146. Sample No. 4508–F.)

This product was damaged in transit by a substance which appeared to be acid. Some of the bags had been entirely destroyed and the sugar was contaminated with dirt and lumps of wet, yellowish-brown sugar which gave an acid reaction.

On August 18, 1942, the United States attorney for the Western District of Kentucky filed a libel against 26 100-pound bags of sugar at Hopkinsville, Ky., alleging that the article had been shipped in interstate commerce on or about July 8, 1942, by the American Sugar Refining Co., from Three Oaks, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance or was otherwise unfit for food.

On October 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4090. Adulteration of sugar. U. S. v. 15 Bags of Sugar. Default decree of condemnation and destruction.** (F. D. C. No. 7569. Sample No. 89348–E.)

The bags containing this product were heavily covered with rodent-excreta pellets and some of the bags showed evidence of rodent gnawing.

On or about June 2, 1942, the United States attorney for the District of New Jersey filed a libel against 15 bags of sugar at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 11, 1942, from Yonkers, N. Y., and that it was in possession of M. Polaner & Son, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hudson Valley Pure Cane Sugar."

On July 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4091. Adulteration of string sugar. U. S. v. 520 Bags of String Sugar. Consent decree of condemnation. Product ordered released under bond to be re-refined.** (F. D. C. No. 6075. Sample No. 71503–E.)

This product contained rodent hairs, rodent excreta, insects, and insect fragments.

On October 24, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 520 bags of string sugar at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 28, 1941, by the Ruth Sugar Co. from Breaux Bridge, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 2, 1942, Switzer Companies, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reshipped to the refinery to be re-refined under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

**Nos. 4092 to 4105 and 4107** report the seizure and disposition of butter that was prepared from decomposed cream as evidenced by the presence of mold. **Nos. 4092 to 4097,** as well as a portion of the lot seized under **No. 4098,** were ordered by the court to be salvaged for war purposes. Suitable precautions were first taken to prevent diversion of the product into the channels of human food consumption.

**4092. Adulteration of butter. U. S. v. 110 Pounds and 285 Pounds of Butter. Default decrees of condemnation. Product ordered disposed of for war purposes.** (F. D. C. Nos. 8234, 8235. Sample Nos. 21508–F, 21509–F.)

On August 1 and August 4, 1942, the United States attorney for the Western District of Pennsylvania filed libels against 395 pounds of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 6 and July 20, 1942, by the Farmers Produce Association from Crawfordsville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Pride O'Farm Brand Creamery Butter, Distributed by Swift & Company, General Office, Chicago, Ill."

On September 24, 1942, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be disposed of for war purposes as directed by the War Production Board.

**4093. Adulteration of butter. U. S. v. 39 Cases and 168 Cases of Butter. Default decree of condemnation. Product ordered sold for technical war uses.** (F. D. C. Nos. 8238, 8239. Sample Nos. 24439–F, 24440–F.)

On August 13, 1942, the United States attorney for the District of Maryland filed libels against 207 cases, each containing 32 1-pound prints or rolls, of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 28 and August 1, 1942, by the National Butter Co., from Dubuque, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "SK Highland Fancy Creamery Butter Distributors The Wm. Schluderberg—T. J. Kurdle Company, Baltimore, Md."

On October 14, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered sold to a concern engaged in producing fats for war purposes.

**4094. Adulteration of butter. U. S. v. 52 Boxes of Butter. Default decree of condemnation. Product ordered sold as reclaimed fats.** (F. D. C. No. 7982. Sample Nos. 24002–F, 24029–F.)

On July 11, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 52 boxes, each containing 12 1-pound cartons, of butter at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about June 18, 1942, by the Tri-State Butter Co., from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance and was otherwise unfit for food. The article was labeled in part: "Sunnydale Creamery Butter."

On January 21, 1943, no claimant having appeared, judgment of condemnation was entered and the court ordered that the marshal sell the butter, but that he first see that it was made unfit for any purpose other than for reclaimed fats.

**4095. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation. Product ordered rendered and disposed of as directed by the War Production Board.** (F. D. C. No. 8293. Sample No. 83310–E.)

On or about July 27, 1942, the United States attorney for the Western District of Louisiana filed a libel against 2 cases of butter at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about June 5, 1942, by the Kadane Creamery Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Rapides' Tip-Top Creamery Butter, Rapides Packing Co., Inc., Alexandria, La.—Distributors."

On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be rendered and disposed of in accordance with instructions from the War Production Board.

**4096. Adulteration of butter. U. S. v. 54 Pounds and 32 Pounds of Butter. Default decree of condemnation and destruction. Product ordered disposed of for war purposes.** (F. D. C. No. 8290. Sample Nos. 21518–F, 21519–F.)

On August 15, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 86 pounds of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 6, 1942, by the Blue Valley Creamery Co. from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Quaker Town Brand Butter Distributed by Baer Food Products, New Castle, Pennsylvania."

On September 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the War Production Board to be salvaged for war purposes.

**4097. Adulteration of butter. U. S. v. 105 Cartons of Butter. Default decree of condemnation. Product ordered sold for war purposes.** (F. D. C. No. 8083. Sample No. 21103–F.)

On July 24, 1942, the United States attorney for the Western District of New York filed a libel against 105 30-pound cartons of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1942, by the Producers Dairy Marketing Association, from Orleans, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Good-Ness Brand Creamery Butter."

On September 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 7, 1942, an amended decree was entered ordering the product sold to a rendering firm and the fat salvaged for war purposes.

**4098. Adulteration of butter. U. S. v. 30 Cartons of Butter (and 2 additional seizure actions against butter). Decrees of condemnation. Portions ordered sold for technical war purposes. Remainder released under bond to be disposed of as animal feed.** (F. D. C. Nos. 7970, 7971, 8543. Sample Nos. 77149–E, 77151–E, 77152–E, 4546–F to 4548–F, incl.)

Between July 1 and September 25, 1942, the United States attorneys for the Middle District of Pennsylvania and the Southern District of Ohio filed libels against 30 cartons and 19 cases, each containing 32 1-pound rolls or prints, of butter at Harrisburg, Pa., and 34 boxes, each containing 63 pounds, of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce in the period from on or about June 24 to on or about September 13, 1942, by the Merchants Creamery Co., Inc., from Cincinnati, Ohio, and Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: "Bulk Butter," "Country Style Roll Butter Distributed by J. H. Kreamer & Co., Harrisburg, Pa.," "Springfield Brand Butter," or "Clover Brand Creamery Butter."

On September 11 and September 14, 1942, no claimant having appeared for the portion of the article located at Harrisburg, judgments of condemnation were entered and the product was ordered sold to the highest bidder to be mixed with inedible grease and disposed of for technical war purposes. On October 21, 1942, the Merchants Creamery Co., Inc., of Cincinnati, Ohio, having admitted the allegations of the libel covering that portion located at Cincinnati, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration, and disposition as animal feed.

**4099. Adulteration of butter. U. S. v. 17 Boxes and 11 Boxes of Butter. Default decree of condemnation. Product ordered sold for technical uses.** (F. D. C. No. 8082. Sample No. 14002–F.)

On July 27, 1942, the United States attorney for the Southern District of California filed a libel against 28 boxes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 19, 1942, by Mountain States Creamery Co. from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On September 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for soap-making under the supervision of the Food and Drug Administration.

**4100. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation. Product ordered sold for technical purposes.** (F. D. C. No. 8292. Sample No. 29013–F.)

On August 18, 1942, the United States attorney for the Northern District of Georgia filed a libel against 2 cases, each containing 32 1-pound cartons, of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 14, 1942, by the Nantahala Creamery, from Franklin, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On September 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and sold for fat for technical purposes.

**4101. Adulteration of butter. U. S. v. 34 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked into refined butter oil.** (F. D. C. No. 8329. Sample No. 1514–F.)

On August 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 34 60-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1942, by the LaBelle Creamery from LaBelle, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 14, 1942, S. Kramme and Peder Kristensen, doing business as K. & K. Creamery Co., Chicago, Ill., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked into refined butter oil under the supervision of the Food and Drug Administration.

**4102. Adulteration of butter. U. S. v. 147 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking into refined butter oil.** (F. D. C. No. 7915. Sample No. 86990–E.)

On June 30, 1942, the United States attorney for the Northern District of Illinois filed a libel against 147 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 1942, by the O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors Chicago, Ill."

On September 4, 1942, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking into refined butter oil under the supervision of a representative of the Food and Drug Administration.

**4103. Adulteration of butter. U. S. v. 28 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil.** (F. D. C. No. 7816. Sample No. 77881–E.)

On June 14, 1942, the United States attorney for the District of New Jersey filed a libel against 28 63-pound cartons of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 5, 1942, by the Harding Cream Co., from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On February 3, 1943, the Sugar Creek Creamery Co., Danville, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

**4104. Adulteration of butter. U. S. v. 75 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be refined into butter oil.** (F. D. C. No. 7972. Sample No. 86970–E.)

On May 28, 1942, the United States attorney for the Northern District of Illinois filed a libel against 75 boxes, each containing 63 pounds, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 17, 1942, by W. B. Pruitt Produce Co. from Ardmore, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 4, 1942, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be refined into butter oil.

**4105. Adulteration of butter. U. S. v. 44 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil.** (F. D. C. No. 8214. Sample No. 24033–F.)

On August 15, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 44 cartons, each containing 32 1-pound prints, of butter at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by the Tip Top Creamery Co. from Vincennes, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance, and was otherwise unfit for food. The article was labeled in part: (Carton) "White Rose Four Prints Butter Distributed by Beatrice Creamery Company."

On September 8, 1942, the Tip Top Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

**4106. Adulteration of butter. U. S. v. 19 Boxes of Butter. Default decree of destruction.** (F. D. C. No. 8049. Sample No. 94305–E.)

On or about July 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 19 boxes of butter at Carthage, Mo., alleging that the article had been shipped in interstate commerce on or about June 22, 1942, by the Neodesha Creamery Co., from Neodesha, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 21, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**4107. Adulteration of butter. U. S. v. 155 Cubes of Butter. Tried by the court. Portion of product (31 cubes) condemned and ordered released under bond to be reworked; portion (56 cubes) ordered released and sold for technical purposes; remainder ordered released and sold for cooking and baking purposes.** (F. D. C. No. 8121. Sample No. 14213–F.)

On July 31, 1942, the United States attorney for the Southern District of California filed a libel against 155 60-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 20, 1942, by Henningsen Lamesa, Inc., from Lamesa, Tex.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, and in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food.

The shipper, Henningsen Lamesa, Inc., appeared as claimant and admitted that 1 churn (31 cubes) was deficient in fat, admitted that a second churn (32 cubes) was deficient in fat, but denied that it was otherwise adulterated and denied that the remaining churns were adulterated as alleged.

On October 8, 1942, the case came on for trial before the court without a jury, and evidence was introduced on behalf of the Government and the claimant. On October 9, 1942, an interlocutory decree was entered condemning the 31 cubes and ordering that they be released under bond to be reworked. On October 26, 1942, a final decree was entered ordering that the release of the 31 cubes be made permanent, that two churns (56 cubes) be sold for use in the manufacture of soap or explosives or similar purpose, and that the remainder be released for sale for cooking or baking but not for table use.

**Nos. 4108 to 4123, (also No. 4107)**, report legal actions involving butter that was deficient in milk fat.

**4108. Adulteration of butter. U. S. v. The Borden Company. Plea of guilty. Fine $50.** (F. D. C. No. 7664. Sample No. 70810–E.)

On September 3, 1942, the United States attorney for the Middle District of Tennessee filed an information against the Borden Co., a corporation, trading at Nashville, Tenn., alleging shipment from the State of Tennessee into the State of Georgia on or about March 23, 1942, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had in part been omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Wrappers) "One Pound Morning Glory * * * Creamery Butter."

On October 28, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

**4109. Adulteration of butter. U. S. v. J. Eastman Hatch, Trustee in Bankruptcy of Mutual Creamery Co. Plea of guilty. Fine $25.** (F. D. C. No. 7754. Sample No. 10995–F.)

On January 30, 1943, the United States attorney for the District of Utah filed an information against J. Eastman Hatch, Trustee in Bankruptcy of Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment in interstate commerce on or about July 14, 1942, from the State of Utah into the State of California of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted

for butter. The article was labeled in part: "Butter * * * Nye & Nissen San Francisco, Calif."

On February 27, 1943, defendant having entered a plea of guilty, the court imposed a fine of $25.

**4110. Adulteration of butter. U. S. v. The Cudahy Packing Co. Plea of nolo contendere. Fine $50.** (F. D. C. No. 7690. Sample No. 70685–E.)

On October 6, 1942, the United States attorney for the Middle District of Tennessee filed an information against the Cudahy Packing Co., a corporation, at Nashville, Tenn., alleging shipment on or about April 27, 1942, from the State of Tennessee into the State of Georgia, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Sunlight Creamery Butter."

On October 26, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

**4111. Adulteration of butter. U. S. v. Wayne C. Conger (Reedsport Creamery). Plea of guilty. Fine $30.** (F. D. C. No. 7733. Sample Nos. 10985–F, 10994–F, 95485–E.)

On November 13, 1942, the United States attorney for the District of Oregon filed an information against Wayne C. Conger, trading as Reedsport Creamery at Reedsport, Oreg., alleging shipment in interstate commerce within the period from on or about June 20 to on or about July 14, 1942, from the State of Oregon into the State of California of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 4, 1943, defendant having entered a plea of guilty, the court imposed a fine of $30.

**4112. Adulteration of butter. U. S. v. Farmers Mutual Cooperative Creamery. Plea of guilty. Fine $100 and costs.** (F. D. C. No. 7192. Sample Nos. 56980–E, 56981–E, 74548–E.)

On January 4, 1943, the United States attorney for the Northern District of Iowa filed an information against the Farmers Mutual Cooperative Creamery, a corporation, Sioux Center, Iowa, alleging shipment on or about October 2 and 7, 1941, from the State of Iowa into the State of New York of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed By W. W. Elzea, Inc., New York," or "Carl Ahlers, Inc. Butter Distributors New York."

On January 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100 and costs.

**4113. Adulteration of butter. U. S. v. Glenn Daniels. Plea of guilty. Fine $50.** (F. D. C. No. 5516. Sample No. 31660–E.)

On December 24, 1941, the United States attorney for the Eastern District of Oklahoma filed an information against Glenn Daniels, Manager of the Farmers Union Co-operative Creamery at Waurika, Okla., alleging shipment on or about January 10, 1941, from the State of Oklahoma into the State of Illinois of a quantity of butter that was charged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Peter Fox Sons Co. Distributors Chicago, Ill."

On October 15, 1942, defendant having entered a plea of guilty, the court imposed a fine of $50.

**4114. Adulteration of butter. U. S. v. 28 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8330. Sample No. 2040–F.)

On August 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 28 62-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 27, 1942, by the Solon Creamery Co. from Solon, Iowa; and charging that it was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter.

On September 10, 1942, Karsten & Sons, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**4115. Adulteration of butter. U. S. v. 6 Cubes (408 pounds) of Butter (and 3 additional seizure actions against butter.) Decree of condemnation. Portions of product ordered released under bond. Remainder ordered delivered to a charitable institution.** (F. D. C. Nos. 8233, 8518, 8676, 8706. Sample Nos. 11007–F, 10705–F, 10780–F, 10781–F.)

Between August 4 and October 14, 1942, the United States attorney for the Northern District of California filed 4 libels against a total of 28 68-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about July 25, to on or about October 16, 1942, by Ruby & Co., from Portland, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 13 and October 21 and 30, 1942, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant for 25 cubes covered by 3 of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. On November 17, 1942, no claimant having appeared for the 3 cubes of butter covered by the remaining libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**4116. Adulteration of butter. U. S. v. 29 Cubes, 27 Cubes, 20 Cubes, and 30 Cubes of Butter. Decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8287. Sample No. 11018–F.)

On August 18, 1942, the United States attorney for the Northern District of California filed a libel against 106 cubes, each containing 64 pounds, of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 1, 1942, by the Cass-Clay Cooperative Creamery Association from Morehead, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 27, 1942, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

**4117. Adulteration of butter. U. S. v. 72 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 8203. Sample Nos. 86994–E, 1502–F.)

On July 27, 1942, the United States attorney for the Northern District of Illinois filed a libel against 72 boxes, each containing 65 pounds, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 20, 1942, by the Enid Cooperative Creamery Association from Enid, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by Dauber Bros. Chicago, Illinois."

On August 28, 1942, Dauber Bros., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**4118. Adulteration of butter. U. S. v. 164 Cubes (9,840 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8545. Sample No. 10730–F.)

On September 19, 1942, the United States attoney for the Northern District of California filed a libel against 164 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Omaha Cold Storage Co. from Omaha, Neb.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Distributed by Bellevue Cry. & Prod. Co. Omaha, Nebr."

On October 2, 1942, the Bellevue Creamery & Produce Co., Omaha, Neb., and San Francisco, Calif., having filed a claim for said product, judgment of con-

demnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**4119. Adulteration of butter. U. S. v. 28 Cubes (1,876 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8230. Sample No. 10994–F.)

On July 23, 1942, the United States attorney for the Northern District of California filed a libel against 28 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 14, 1942, by the Reedsport Creamery, from Marshfield, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 4, 1942, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**4120. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 8205. Sample No. 17021–F.)

On August 17, 1942, the United States attorney for the Southern District of New York filed a libel against 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by Garst Bros. Dairy, Inc., from Roanoke, Va.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter distributed by J. R. Kramer Inc. New York, N. Y."

On September 7, 1942, Garst Bros. Dairy, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**4121. Adulteration of butter. U. S. v. 13 Cubes (1,326 pounds) and 3 Cubes (300 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. Nos. 8229, 8231. Sample Nos. 10492–F, 10493–F, 10995–F.)

On July 16 and 17, 1942, the United States attorney for the Northern District of California filed libels against 16 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 7 and 14, 1942, from Salt Lake City, Utah, by the Mutual Creamery Co.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter * * * Franklin."

On August 20, 1942, the Mutual Creamery Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**4122. Adulteration of butter. U. S. v. 7 Cubes (476 pounds) and 2 Cubes (136 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 8286. Sample No. 10757–F.)

On August 14, 1942, the United States attorney for the Northern District of California filed a libel against 9 cubes, each containing 68 pounds, of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Cream O Coos, from Coquille, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 27, 1942, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**4123. Adulteration and misbranding of butter. U. S. v. 111 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking and relabeling.** (F. D. C. No. 8514. Sample No. 1522–F.)

On September 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 111 50-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Palace Dairy Co. from Prentice, Wis.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that

a substance containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

It was alleged to be misbranded in that it was food in package form and failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight; and (3) the common or usual name of the article.

On September 24, 1942, Walter Englund, trading as Palace Dairy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking and relabeling under the supervision of the Food and Drug Administration.

## CHEESE

**4124. Adulteration of Cheddar cheese. U. S. v. Sego Milk Products (Western Creamery Co.) Plea of guilty. Fine $150.** (F. D. C. No. 7668. Sample No. 92249–E.)

On September 19, 1942, the United States attorney for the District of Utah filed an information against the Sego Milk Products Co., a corporation trading as Western Creamery Co. at Salt Lake City and Neola, Utah, alleging shipment on or about January 27, 1942, from the State of Utah into the State of California of a quantity of Cheddar cheese that was adulterated in that it contained an added deleterious substance, glass, which might have rendered it injurious to health.

On October 3, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150.

**4125. Adulteration of cheese. U. S. v. Columbia Cheese Co. Plea of nolo contendere. Judgment of guilty. Fine $100.** (F. D. C. No. 7290. Sample No. 58265–E.)

This product was in part decomposed and contained insect eggs, larvae, pupae, mites, hairs, and insect fragments.

On August 26, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against the Columbia Cheese Co., a corporation, at Philadelphia, Pa., alleging shipment on or about October 21, 1941, from the State of Pennsylvania into the State of Wisconsin of a quantity of cheese that was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 9, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court found the defendant guilty and imposed a fine of $100.

**4126. Adulteration of cheese. U. S. v. Tolibia Cheese Corporation. Plea of guilty. Fine $50.** (F. D. C. No. 7670. Sample No. 62386–E.)

On September 18, 1942, the United States attorney for the Eastern District of Wisconsin, filed an information against the Tolibia Cheese Corporation, trading at Fond du Lac, Wis., alleging shipment, within the period from on or about November 7 to on or about November 10, 1941, from the State of Wisconsin into the State of Illinois, of a quantity of cheese that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Brand T Cheese."

On October 29, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

**4127. Adulteration of Cheddar cheese. U. S. v. 48 Cheddar Cheeses. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 7644. Sample Nos. 94554–E to 94557–E,incl.)

This product contained metal fragments and miscellaneous dirt and one portion, in addition, contained rodent hairs.

On June 12, 1942, the United States attorney for the Southern District of Illinois filed a libel against 48 Cheddar cheeses at Valley City, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about May 11 to on or about May 22, 1942, by the Kahoka Cheese Co. from Kahoka, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 22, 1942, J. F. Steinmann, claimant, having consented to the entry of decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of

the Food and Drug Administration so that it could not be used for human consumption.

**Nos. 4128 to 4138** report the seizure of cheese that contained one or more of various types of filth contamination such as insects, insect fragments, rodent hairs, cow hairs fragments, and miscellaneous filth.

**4128. Adulteration of cheese. U. S. v. 42 Boxes of Cheeses. Default decree of condemnation. Product ordered delivered to War Salvage Committee.** (F. D. C. No. 8337. Sample No. 18016–F.)

On September 10, 1942, the United States attorney for the Southern District of New York filed a libel against 42 boxes, each containing 10 3-pound cheeses, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by the Rosedale Dairy Co., Inc., from New Berlin, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Wrapper) "Catskill Brand Fancy Cream Cheese."

On October 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the New York City Salvage Committee.

**4129. Adulteration of Cheddar cheese. U. S. v. 140 Daisies of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8297. Sample No. 6034–F.)

On August 31, 1942, the United States attorney for the Western District of Tennessee filed a libel against 140 daisies, each containing from 21 to 25 pounds, of Cheddar cheese at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 25, 1942, by the Associated Dairies, Inc., from St. Louis, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the War Production Board for conversion into inedible grease for use in the war program.

**4130. Adulteration of process cheese. U. S. v. 944 Boxes of Process Cheese. Default decree of condemnation. Product ordered denatured and salvaged.** (F. D. C. No. 8306. Sample No. 28714–F.)

On September 1, 1942, the United States attorney for the Middle District of North Carolina filed a libel against 944 boxes, each box containing a 5-pound loaf of cheese, at Winston-Salem, N. C., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, by H. M. Scott from Sweetwater, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Mountain Dale Brand Process Cheese."

On September 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a salvage concern and the fat salvaged for war purposes.

**4131. Adulteration of cheese. U. S. v. 84 Boxes of Cheese. Default decree of condemnation. Product ordered salvaged for war purposes.** (F. D. C. No. 7946. Sample No. 7506–F.)

On July 18, 1942, the United States attorney for the District of Minnesota filed a libel against 84 boxes of cheese at Albert Lea, Minn., alleging that the article had been shipped in interstate commerce on or about July 6, 1942, by the Frankville Cooperative Cheese Factory from Frankville, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Clear Brook Colby."

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed. On October 27, the decree was amended to provide for its sale for salvage of the fat for military purposes.

**4132. Adulteration of cheese. U. S. v. 50 Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 8189. Sample No. 22406–F.)

On August 20, 1942, the United States attorney for the Western District of New York filed a libel against 50 cheeses weighing approximately 40 pounds each, at Alfred Station, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by the Potter Brook Cheese Factory from Potter Brook, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4133. Adulteration of Cheddar cheese. U. S. v. 219 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for salvage purposes.** (F. D. C. No. 7422. Sample No. 86951–E.)

On May 7, 1942, the United States attorney for the Northern District of Illinois filed a libel against 219 boxes of Cheddar cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 15, 1942, by the Waynetown Cheese Factory from Waynetown, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 16, 1942, the Waynetown Cheese Factory, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

**4134. Adulteration of Cheddar cheese. U. S. v. 159 Boxes of Cheddar Cheese (and 3 additional seizure actions against Cheddar cheese). Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. Nos. 7895, 7968, 8030, 8115. Sample Nos. 1801–F, 2012–F, 2013–F, 2019–F, 2036–F.)

Between July 15 and August 19, 1942, the United States attorney for the Northern District of Illinois filed libels against a total of 297 boxes of cheese and 109 cheeses at Freeport, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about June 9 to on or about July 20, 1942, by the United Cheese Factories from Olin, Maquoketa, and Luverne, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1942, the United Cheese Factories, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of for purposes other than human consumption.

**4135. Adulteration of cheese. U. S. v. 74 Boxes of Cheese. Decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 8341. Sample No. 22531–F.)

On September 11, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 74 40-pound boxes of cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by Scoville, Brown & Co., from Wellsville, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 23, 1942, Scoville, Brown & Co., claimants, having appeared, judgment of condemnation was entered and the product was ordered released under bond to be sold for purposes other than for human consumption, and to be denatured under the supervision of the Food and Drug Administration.

**4136. Adulteration of Cheddar cheese. U. S. v. 19 Boxes and 16 Boxes of Cheddar Cheese. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8252, 8343. Sample Nos. 14216–F, 14313–F.)

On August 25 and September 8, 1942, the United States attorney for the Southern District of California filed libels against 35 boxes, each containing 5 12-pound Cheddar cheeses, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 15 and 22, 1942, by the Ephraim Creamery Co., from Ephraim, Utah; and charging that it was adulter-

ated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 29 and November 2, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4137. Adulteration of Cheddar cheese. U. S. v. 60 Cheeses. Default decree of condemnation. Product ordered sold.** (F. D. C. No. 8369. Sample No. 94341–E.)

On September 15, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 60 cheeses at St. Louis, Mo., alleging that the article had been transported for sale in interstate commerce by the Federal Surplus Commodities Corporation, in care of the Carthage Creamery Co., from Neosho, Mo., on or about May 7, 1942; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Cheddar Cheese Distributed by Carthage Cry. Co. Carthage, Mo."

On October 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder after proper precautions had been taken to insure its disposal in a lawful manner.

**4138. Adulteration of Cheddar cheese. U. S. v. 117 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond for sale as animal feed or other lawful disposition.** (F. D. C. No. 7984. Sample No. 2014–F.)

On August 5, 1942, the United States attorney for the Northern District of Illinois filed a libel against 117 boxes of Cheddar cheese at Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by the Wilton Milk Products Co. from Wilton Junction, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 19, 1942, on motion of the claimant, John Burkle, trading as the Wilton Milk Products Co., an order was entered in the Northern District of Illinois transferring the case to the Southern District of Iowa. On November 30, 1942, a motion by the claimant for a more definite and specific statement was overruled.

On April 6, 1943, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold for animal feed, or other purpose not in violation of the law.

**4139. Adulteration of Cheddar cheese. U. S. v. 53 Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 8140. Sample No. 28122–F.)

On or about August 21, 1942, the United States attorney for the Southern District of Florida filed a libel against 53 cheeses at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by L. Frank & Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS DAIRY PRODUCTS

**4140. Adulteration of cream. U. S. v. 22 Cans of Cream. Default decree of condemnation and destruction.** (F. D. C. No. 8217. Sample No. 4004–F.)

On August 15, 1942, the United States attorney for the Southern District of Ohio filed a libel against 22 cans of cream at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 10, 1942, by Mrs. Ed Bartlow, Jr., Andrew Henderson, Walter Henderson, Mrs. Lulu Mains, Clifford Neiser, Florence Spangler, Mrs. William Strasinger, and Jake White, from California, Ky.; John Beal, Holden Buss, Maynard Futcher, John Groh, John Heck, Sr., Henry Herzog, Frank Kremer, J. J. Sauser, Louis Schuchter, and William Young, from Melbourne, Ky.; Thomas Benedict, from New Richmond, Ky.; J. W. Brown, from Onsonta, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4141. Adulteration of cream. U. S. v. 4 Cans of Cream. Consent decree of condemnation and destruction.** (F. D. C. No. 8218. Sample No. 4005–F.)

On August 13, 1942, the United States attorney for the Southern District of Ohio filed a libel against 4 5-gallon cans of cream, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce in various shipments by J. N. Cline, Chris W. Gosney, and Theodore Roseberry from Butler, Ky., and W. M. Sancen from Falmouth, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On August 25, 1942, the consignee having consented to the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**4142. Adulteration of cream. U. S. v. 2 10-gallon Cans of Cream. Consent decree of destruction.** (F. D. C. No. 8523. Sample No. 15227–F.)

On September 21, 1942, the United States attorney for the District of Colorado filed a libel against 2 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by the St. Francis Ex. (St. Francis Equity Exchange) from St. Francis, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 21, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the immediate destruction of the product.

**4143. Adulteration of evaporated milk. U. S. v. 88 Cases of Evaporated Milk. Consent decree of condemnation. Product ordered released under bond for salvaging good portion.** (F. D. C. No. 8377. Sample Nos. 4766–F, 4767–F.)

On September 19, 1942, the United States attorney for the Southern District of Ohio filed a libel against 88 cases, each case containing 48 cans, of evaporated milk at Cincinnati, Ohio, which had been consigned on or about August 11, 1942, alleging that the article had been shipped in interstate commerce by the Columbus S. & T. Co. and the Pennsylvania Railroad Co. from Grand Rapids, Mich., and Crothersville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, namely, sour and curdled milk, and was otherwise unfit for food. The article was labeled in part: (Cans) "White House Evaporated Milk * * * The Great Atlantic & Pacific Tea Company, New York, N. Y. Manufacturer," or "Pet Irradiated—Evaporated Milk * * * Manufactured by Pet Milk Company Arcade Bldg., St. Louis, Mo."

On September 30, 1942, the Pennsylvania Railroad Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration.

**4144. Misbranding of vegetable oleomargarine. U. S. v. 86 Cartons and 97 Cases of Vegetable Oleomargarine. Decree of condemnation. Portion of product ordered denatured and sold for technical purposes. Remainder ordered released under bond for reprinting and repackaging.** (F. D. C. Nos. 7882, 8015. Sample Nos. 91963–E, 9208–F.)

On July 10 and 28, 1942, the United States attorneys for the Northern and Southern Districts of Alabama filed libels against 86 cartons of vegetable oleomargarine at Birmingham, Ala., and 97 cases of vegetable oleomargarine at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 1 and 19, 1942, by the Miami Margarine Co. from Cincinnati, Ohio, and charging that it was misbranded. It was labeled in part: (Retail carton) "Delmar Vegetable Oleomargarine," or "Nu-Maid Vegetable Oleomargarine."

The portion of the article located at Birmingham was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 80 percent of fat and such regulation requires that oleomargarine contain not less than 80 percent of fat. The portion located at Mobile was alleged to be misbranded in that the statement on the carton label, "1 Pound Net Weight," was false and misleading since the weight was less than that declared.

On August 7, 1942, the Miami Margarine Co., claimant for the product seized at Mobile, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprinted or repackaged under the supervision of the Food and Drug Administration.

On September 10, 1942, no claimant having appeared for the product located at Birmingham, judgment of condemnation was entered and it was ordered denatured and sold to rendering plants to be manufactured into glycerine or other product to be used for war purposes.

**4145. Misbranding of oleomargarine. U. S. v. 36 Cases, 600 Cases, and 200 Cases of Oleomargarine. Consolidated decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 7854, 7966. Sample Nos. 93259–E, 12809–F.)

On July 6 and 23, 1942, the United States attorney for the District of Oregon filed libels against 36 cases each containing 15 2-pound prints of oleomargarine at Klamath Falls, Ore., and 600 cases each containing 15 2-pound cartons and 200 cases each containing 30 1-pound cartons of oleomargarine at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 29 and July 3, 1942, by the Vegetable Oil Products Co., Inc., from Los Angeles and Wilmington, Calif.; and charging that it was misbranded. The article was labeled in part: "Sunny Bank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded in that it purported to be oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat, namely, from 74.10 to 79.70 percent of fat. It was alleged to be misbranded further in that the statement "Vegetable Fats 81%" borne on the label was false and misleading.

On September 3, 1942, the Vegetable Oil Products Co., Inc., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

## EGGS

**4146. Adulteration of turkey eggs. U. S. v. Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, (Poehlmann Hatchery). Plea of guilty. Fine $50.** (F. D. C. No. 7684. Sample No. 23392–E.)

On September 21, 1942, the United States attorney for the District of Utah filed an information against Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, copartners trading as Poehlmann Hatchery at Salt Lake City, Utah, alleging shipment on or about March 20, 1942, from the State of Utah into the State of California of a quantity of turkey eggs which were adulterated in that they consisted in whole or in part of a decomposed and putrid substance.

On October 5, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $50.

**4147. Adulteration of frozen eggs. U. S. v. Washington Co-operative Egg and Poultry Association. Plea of nolo contendere. Judgment of guilty. Fine, $100.** (F. D. C. No. 6454. Sample Nos. 53125–E, 53133–E, 60164–E, 60165–E.)

On May 13, 1942, the United States attorney for the Western District of Washington filed a libel against the Washington Co-operative Egg and Poultry Association, a corporation, of Vancouver, Wash., alleging shipment within the period from on or about April 8 to on or about May 26, 1941, from the State of Washington into the States of California and Oregon of quantities of frozen eggs which were adulterated in that they consisted in whole or in part of putrid and decomposed substances.

On September 11, 1942, a plea of nolo contendere having been entered, the court adjudged the defendant guilty and imposed a fine of $100.

**4148. Adulteration of frozen whole eggs. U. S. v. 210 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 8317. Sample No. 12740–F.)

On September 3, 1942, the United States attorney for the Eastern District of Washington filed a libel against 210 cans of frozen eggs at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about July 7, 1942, by the Fergus County Creamery from Lewistown, Mont.; and

charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 5, 1942, the Fergus County Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**4149. Adulteration of frozen whole eggs. U. S. v. 27 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 8098. Sample No. 15456–F.)

This product contained rodent hairs, insect fragments and nondescript dirt.

On August 12, 1943, the United States attorney for the Western District of Texas filed a libel against 27 30-pound cans of frozen whole eggs at El Paso, Texas, alleging that the article had been shipped in interstate commerce on or about May 19 and June 8, 1942, by Rhodes Ranch Egg Co., from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4150. Adulteration of frozen whole eggs. U. S. v. 700 Cartons of Whole Eggs. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed.** (F. D. C. No. 8103. Sample No. 9007–F.)

On August 3, 1942, the United States attorney for the Northern District of Texas filed a libel against 700 cartons, each carton containing 30 pounds, of whole eggs at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, by the Falls City Creamery Co. from Falls City, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 3, 1942, the Texas Dehydration Products Co., Fort Worth, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration or destroyed. The cartons containing unfit eggs were segregated and destroyed.

**4151. Adulteration and misbranding of frozen egg yolks. U. S. v. Rothenberg & Schneider Bros., Inc., Herman Rothenberg, and Sam Schneider. Plea of guilty on behalf of the corporation and nolo contendere by the individual defendants. Corporation fined $25. Individual defendants found not guilty.** (F. D. C. No. 7311. Sample Nos. 76587–E, 76596–E, 76787–E to 76789–E, incl.)

On October 6, 1942, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Sam Schneider, alleging shipment within the period from on or about May 12 to on or about September 2, 1941, from the State of Illinois to the State of Minnesota of a quantity of egg yolks that were adulterated and misbranded. The article was labeled in part: "Yolks With Approx. 10% Sugar."

It was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for egg yolks with approximately 10 percent sugar.

It was alleged to be misbranded in that the statement "Yolks With Approx. 10% Sugar" was false and misleading since the said statement represented and suggested that the article consisted of egg yolks with approximately 10 percent of sugar and no other ingredient, whereas it did not so consist but did consist of egg yolks, added egg whites, and sugar.

On October 12, 1942, a plea of guilty was entered on behalf of the defendant corporation and pleas of nolo contendere were entered by the individual defendants. On October 20, 1942, the court imposed a fine of $25 against the corporation and found the individual defendants not guilty.

**4152. Adulteration of Eggomix. U. S. v. 103 Cans of Egg Whites (Eggomix). Default decree of condemnation and destruction.** (F. D. C. No. 8028. Sample No. 9129–F.)

Examination showed that this product contained vegetable fragments resembling those found in chicken excreta, feather fragments, rat or mouse hairs, insects and insect fragments, and sand particles.

On August 1, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 103 cans of Eggomix at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by the U. S. Cold Storage Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Eggomix Egg Whites Containing a small percentage of yolks Distributed by Standard Brands Incorporated New York City."

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4153. Adulteration of albumen skimmings. U. S. v. 5⅕ Barrels and 16 Barrels of Albumen Skimmings. Consent decrees of condemnation. Product ordered released under bond to be denatured.** (F. D. C. Nos. 8101, 8309. Sample Nos. 2207–F, 2210–F.)

Samples of this product were found to be decomposed and to contain insects, larvae, and insect fragments.

On August 13 and September 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 21⅕ barrels, each full barrel containing approximately 180 pounds, of albumen skimmings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1942, by Joe Lowe Corporation from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 21 and September 17, 1942, the Joe Lowe Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and used for purposes other than human food.

## FISH AND SHELLFISH

**4154. Adulteration of frozen mullet. U. S. v. 72 Boxes of Fish. Default decree of condemnation and destruction.** (F. D. C. No. 8160. Sample Nos. 28635–F, 28636–F.)

On August 24, 1942, the United States attorney for the Southern District of Florida filed a libel against 72 boxes, each containing 100 pounds, of frozen fish at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 25, 1942, by Johnson & Co., Inc., from Atlanta, Ga.; and charging that it was adulterated, in that it consisted wholly or in part of a decomposed substance.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4155. Adulteration of canned mackerel. U. S. v. 9,551 Cases and 3,643 Cases of Canned Mackerel. Decrees of condemnation. Product ordered released under bond.** (F. D. C. No. 6821. Sample Nos. 23749–E, 23751–E, 23752–E.)

On February 5 and 16, 1942, the United States attorney for the Northern District of California filed libels against a total of 13,194 cases, each containing 24 cans, of mackerel at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1941, by the Quartermaster Corps from Schenectady, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Davis Bros. Atlantic Ocean Mackerel * * * Davis Bros. Fisheries Co., Inc., Gloucester, Mass." or "Gorton's Atlantic Ocean Mackerel * * * Packed by Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass."

On April 22 and July 28, 1942, the Gorton-Pew Fisheries Co., Ltd., having filed a claim for the 3,643-case lot, and Davis Bros. Fisheries Co., Inc., having filed a claim for the 9,551-case lot, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**4156. Misbranding of sardines. U. S. v. 1,850 Cases of Sardines. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8387. Sample No. 22536–F.)

This product was short of the declared weight.

On September 18, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,850 cases, each containing 48 tins, of sardines

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was misbranded in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Rio Del Mar Brand * * * Contents 8 Oz. Avoir. or 227 Grams * * * Packed by Del Mar Canning Co., Monterey, Calif."

On October 5, 1942, the Del Mar Canning Co. of Monterey, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4157. Misbranding of canned tuna fish. U. S. v. New York Wholesale Grocery Co., Inc. Plea of guilty. Fine, $500.** (F. D. C. No. 2864. Sample Nos. 10412–E to 10414–E, incl.)

On September 28, 1942, the United States attorney for the Southern District of New York filed an information against the New York Wholesale Grocery Co., Inc., New York, N. Y., alleging that between December 19, 1939, and March 22, 1940, the defendant received from the French Sardine Co., Inc., of Terminal Island, Calif., two consignments of food contained in unlabeled cans; that the cans were shipped in cases labeled "48½ Unlabeled Bonita SS 25 Mann N. Y. W. G. Co."; that thereafter and between the above dates and while the article was being held by the defendant for sale after shipment in interstate commerce, the defendant unlawfully affixed and caused to be affixed to a number of the cans a label bearing the following statements and design: "New York's Best Brand Light Meat Tuna Fish [design of a tuna fish] Contents 7 Ozs. Quality NYB Foods. New York Wholesale Grocery Co., Inc. Distributors, New York, N. Y." The information alleged further that the acts of the defendant of affixing and causing the labels to be affixed to the said cans resulted in the article being misbranded (1) in that the statement "Light Meat Tuna" was false and misleading since the article did not consist of light meat tuna but consisted of bonita; (2) in that it was offered for sale under the name of another food, i. e., light meat tuna; and (3) in that the labels did not bear the common or usual name of the article, namely, bonita.

On October 6, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $500.

**4158. Adulteration of crab meat. U. S. v. 3 Barrels and 3 Barrels of Crabmeat. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8084, 8131. Sample Nos. 24018–F, 24021–F.)

This product was contaminated with fecal *Esch. coli.*

On July 28 and 31, 1942, the United States attorney for the District of Maryland filed libels against 6 barrels, containing a total of 420 1-pound cans, of crab meat at Crisfield, Md., which had been consigned by L. R. Carson, Inc., alleging that the article had been shipped in interstate commerce on or about July 28, 1942, from Tangier, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Embossed on cans) "Crabmeat 1 Lb. Net L. R. Carson, Inc. Crisfield, Md."

On September 2 and 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## FLAVORS, SPICES AND CONDIMENTS

**4159. Adulteration and misbranding of vanilla flavor. U. S. v. Joseph Frimel, Jr., (Commercial Coffee Co.). Plea of nolo contendere. Fine, $400.** (F. D. C. No. 7229. Sample Nos. 73319–E, 73320–E.)

On August 22, 1942, the United States attorney for the Eastern District of Missouri filed an information against Joseph Frimel, Jr., trading as the Commercial Coffee Co. at St. Louis, Mo., alleging shipment on or about July 17 and August 7, 1941, from the State of Missouri into the State of Oklahoma of a number of jugs of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Jugs) "Chef's Delight Brand * * * Standard Vanilla Flavor R. J. Diehl Flavoring Ext. Co. St. Louis, Mo.," or (carton containing 4 jugs, shipment of July 17) "Std. Vanilla Extr."

The article was alleged to be adulterated in that a water alcohol solution of ethyl vanillin, coumarin, and caramel color had been substituted in whole or in part for standard vanilla flavor, or standard vanilla extract, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Standard Vanilla Flavor" and "Std. Vanilla Extr." were false and misleading; (2) in that it was

an imitation vanilla flavor or extract and was offered for sale under the name of another food, "vanilla flavor" or "Std. Vanilla Extr."; (3) in that it was an imitation and its label failed to bear in type of uniform size and prominence the word "Imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On October 27, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $100 on each of the 4 counts.

**4160. Adulteration of ginger, turmeric, and coriander seed. U. S. v. 3 Bags of Ginger, 13 Bags of Turmeric, and 3 Bags of Coriander Seed. Default decree of condemnation and destruction.** (F. D. C. Nos. 8143, 8144, 8145. Sample Nos. 6018–F to 6020–F, incl.)

These products had been stored under insanitary conditions after shipment and when examined were found to be insect-infested.

On August 20, 1942, the United States attorney for the Western District of Tennessee filed libels against 3 bags, each containing approximately 120 pounds, of ginger, 13 bags, each containing approximately 135 pounds, of bulk turmeric, and 3 bags, each containing 88 pounds, of coriander seed in possession of Canova Foods Inc., Memphis, Tenn., alleging that the articles had been shipped in interstate commerce on or about August 23, 1941, and January 15 and April 8, 1942, and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

On September 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4161. Adulteration of coriander seed. U. S. v. 5 Bags of Coriander Seed. Default decree of condemnation and destruction.** (F. D. C. No. 8359. Sample No. 17969–F.)

This product had been stored under insanitary conditions after importation and, when examined, it contained live beetles, ant-like insects, and rodent and insect excreta.

On September 17, 1942, the United States attorney for the Southern District of New York filed a libel against 5 bags containing approximately 500 pounds of coriander seed at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, from Casablanca, French Morocco, and that it was in possession of the Railroad Stores, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4162. Adulteration of sage leaves. U. S. v. 7 Bales of Sage Leaves. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 8364. Sample No. 17972–F.)

This product contained insect fragments, larvae, insect excreta, mites, and rodent hair.

On September 17, 1942, the United States attorney for the Southern District of New York filed a libel against 7 bales of sage leaves at New York, N. Y., alleging that the article had been shipped on or about November 19, 1941, by Spyros Georgallides from Famagusta, Cyprus, and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 2, 1942, Becker-Mayer Seed Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the fit portion be segregated from the unfit portion and the unfit portion destroyed.

**4163. Adulteration of chillies. U. S. v. 20 Bags of Chillies. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 8319. Sample No. 12920–F.)

This product had been stored after shipment under conditions favorable to insect infestation and, when examined, it contained insects and insect excreta. Pupae, larvae moths, and webbing were observed on all the bags.

On September 4, 1942, the United States attorney for the District of Oregon filed a libel against 20 100-pound bags of chillies at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 14, 1942,

from New York, N. Y., and that it was in possession of the General Grocery Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hontaka Chillies."

On September 22, 1942, the General Grocery Co., Inc., Portland, Oreg., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

**4164. Adulteration of chili peppers. U. S. v. 150 Sacks of Chili Peppers. Default decree of condemnation and destruction.** (F. D. C. No. 8152. Sample No. 7144–F.)

This product was insect infested.

On August 15, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 150 220-pound sacks of chili peppers at St. Louis, Mo. On September 8, 1942, an amended libel was filed omitting reference to the 150 sacks described in the original libel, and covering 40 bales, each containing 220 pounds, and 25 bales, each containing 106 pounds, of chili peppers at St. Louis, Mo. It was alleged in the amended libel that the article had been shipped in interstate commerce on or about September 17, 1940, by the Kramer Mercantile Co., from Chamita, N. Mex., and that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4165. Adulteration of hot sauce. U. S. v. 142 Cases, 24 Cases, and 25 Cases of Hot Sauce. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7797, 7799. Sample Nos. 92470–E, 92473–E, 92474–E.)

This product contained mold.

On June 25, 1942, the United States attorney for the District of Arizona filed libels against a total of 191 cases of hot sauce at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 25 and March 30, 1942, by the Arkansas Vinegar Co. from Shreveport, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Arnold's Louisiana Hot Sauce * * * Packed for Arnold Pickle & Olive Co., Phoenix, Arizona," or "Louisiana, the Perfect Hot Sauce * * * Louisiana Foods Company, Shreveport, Louisiana."

On September 4, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES

### FRESH FRUITS

**Nos. 4166 to 4178** report the seizure and disposition of bluberries found to contain maggots.

**4166. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8226. Sample No. 19704–F.)

On August 5, 1942, the United States attorney for the District of Massachusetts filed a libel against 8 crates, each containing 24 quarts, of blueberries, at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by Edson J. Evans from Northwood, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4167. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8224. Sample No. 19577–F.)

On August 7, 1942, the United States attorney for the District of Massachusetts filed a libel against 6 crates, each containing 24 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 6, 1942, by C. H. Drew from Gilmanton, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4168. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8211. Sample No. 19578-F.)

On August 7, 1942, the United States attorney for the District of Massachusetts filed a libel against 3 crates, each containing 24 quarts, of blueberries at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce on or about August 6, 1942, by Matti Maki from New Ipswich, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4169. Adulteration of blueberries. U. S. v. 27 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8212. Sample No. 19581-F.)

On August 8, 1942, the United States attorney for the District of Massachusetts filed a libel against 27 crates, each containing 24 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 6, 1942, by S. O. Joy from New Durham, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4170. Adulteration of blueberries. U. S. v. 55 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8208. Sample Nos. 17949-F, 17951-F, 17956-F.)

On August 18, 1942, the United States attorney for the Southern District of New York filed a libel against 13 crates, each containing 32 quarts, and 42 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 7, 1942, by Gus Kuckenbeaker from Long Pond, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4171. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8288. Sample No. 19697-F.)

On August 6, 1942, the United States attorney for the District of Massachusetts filed a libel against 5 crates, each containing 24 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by Armand Koivula from New Ipswich, N. H., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4172. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8289. Sample No. 19703-F.)

On August 5, 1942, the United States attorney for the District of Massachusetts filed a libel against 7 crates, each containing 24 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by Frank Avery from Farmington, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4173. Adulteration of blueberries. U. S. v. 64 Crates, 10 Crates, and 12 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8087, 8138, 8167. Sample Nos. 19415-F, 19425-F, 19426-F.)

On August 7, 15, and 19, 1942, the United States attorney for the District of Rhode Island filed libels against a total of 86 crates, each containing 24 quarts, of blueberries at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 4, 10, and 13, 1942, by Adams, Chapman

& Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 8 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4174. Adulteration of blueberries. U. S. v. 4 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8137. Sample No. 19424–F.)

On or about August 17, 1942, the United States attorney for the District of Rhode Island filed a libel against 5 crates, each containing 24 quarts, of blueberries at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 10, 1942, from Fall River, Mass., by Jacob Zeldes; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4175. Adulteration of blueberries. U. S. v. 2 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8326. Sample No. 19694–F.)

On July 29, 1942, the United States attorney for the District of Massachusetts filed a libel against 2 crates, each containing 24 quarts, and 1 crate, containing 21 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 24, 1942, by King Little from Laconia, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4176. Adulteration of blueberries. U. S. v. 18 Crates and 14 Crates of blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8325. Sample No. 19691–F.)

On July 29, 1942, the United States attorney for the District of Massachusetts filed a libel against 18 crates, each containing 24 quarts, and 14 crates, each containing 32 quarts, of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 27, 1942, by Curtis Meinlet from New Durham, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4177. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 8327. Sample No. 19695–F.)

On July 30, 1942, the United States attorney for the District of Massachusetts filed a libel against 3 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 29, 1942, by Wallace G. Dustin from Francestown, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4178. Adulteration of blueberries. U. S. v. 26 Crates, 35 Crates, 100 Crates, and 97 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8206, 8207, 8209, 8210. Sample Nos. 17947–F, 17948–F, 17950–F, 17955–F, 17957–F.)

On August 18, 1942, the United States attorney for the Southern District of New York, filed libels against 258 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 7, and 8, 1942, in various shipments by Varonika Toth, from St. Clair, Pa., P. Humetsky and J. J. Metkus, from Shenandoah, Pa., Charles Boyer and John Urban from Mahanoy City, Pa., and S. Merook, from New Boston, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. Portions of the article were labeled in part: "Sunny Mountains Brand Sweet Berries, St. Clair, Pa.," or "Schuylkill County Pennsylvania Fancy Blueberries," or "Shenandoah Selected Pennsylvania Blueberries."

On September 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## CANNED FRUITS

**4179. Adulteration of canned blackberries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, $1,500.** (F. D. C. No. 7665. Sample Nos. 72139–E, 79189–E.)

Examination of this product showed the presence of decomposed berries.

On August 27, 1942, the United States attorney for the District of Oregon filed an information against Paulus Bros. Packing Co., a corporation, Salem, Ore., alleging shipment on or about November 26, 1941, and February 4, 1942, from the State of Oregon into the States of California and Tennessee of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Crater Blue Water Pack Blackberries," or "White Tag Water Blackberries."

On September 29, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $1,500.

**4180. Adulteration of canned blackberries. U. S. v. Max Gehlar (Oregon Fruit Products Co.)** (F. D. C. No. 7197. Sample Nos. 60494–E, 73000–E.)

On July 13, 1942, the United States attorney for the District of Oregon filed an information against Max Gehlar, trading as the Oregon Fruit Products Co., Salem, Oreg., alleging shipment in the period from on or about September 13, 1941, to January 2, 1942, from the State of Oregon into the State of California of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "O. F. P. Brand Water Packed Blackberries."

On October 13, 1942, a plea of nolo contendere was entered and the court imposed a fine of $300.

**4181. Adulteration of canned blackberries and canned cherries. U. S. v. Washington Packers, Inc. Plea of nolo contendere. Fine. $350.** (F. D. C. No. 7225. Sample Nos. 61065–E, 61539–E, 61543–E, 61579–E, 61580–E.)

On August 25, 1942, the United States attorney for the Western District of Washington filed an information against the Washington Packers, Inc., Sumner, Wash., alleging shipment within the period from on or about August 19, to on or about October 13, 1941, from the State of Washington into the Territory of Hawaii, and the States of California and Pensylvania, of quantities of canned blackberries and canned cherries that were adulterated. The articles were labeled in part: (Cans) "Inavale Brand * * * Water Pack Cultivated Blackberries"; or "Fruitfull Brand [or "Inavale Brand"] * * * Pitted Red Tart Cherries."

The canned blackberries were alleged to be adulterated in that they contained moldy and decomposed blackberries; the canned cherries in that they contained maggots.

On September 28, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $350.

**4182. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 7804. Sample No. 88181–E.)

On June 29, 1942, the United States attorney for the Northern District of Texas filed a libel against 121 cases, each case containing 6 cans, of cherries at Dalhart, Tex., alleging that the article had been shipped in interstate commerce on or about February 10, 1942, by Ray A. Ricketts Co. from Canon City, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "San Luis Red Sour Pitted Cherries Water Pack Contents 6 Lbs. 9 Ozs."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard, since more than 1 pit was present in each 20 ounces of canned cherries, namely, 1.24 pits per 20 ounces average, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 23, 1942, an amendment to the decree was filed ordering the product delivered to a charitable institution.

**4183. Misbranding of canned cherries. U. S. v. 61 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8353. Sample No. 21243–F.)

On September 17, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 61 cases, each case containing 24 cans, of

cherries at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by the Brocton Preserving Co., Inc., from Brocton, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Chautauqua Lake Brand Red Pitted Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear the name of the food specified in such definition and standard, as amended, namely, "Red Sour" or "Red Tart." The article was alleged to be misbranded further in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and its quality fell below such standard since more than 1 pit was present in each 20 ounces of canned cherries, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 15, 1942, the Brocton Preserving Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4184. Adulteration of canned peaches. U. S. v. 81 Cases of Canned Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 8041. Sample No. 25642–F.)

Examination of this product showed the presence of worm-eaten and worm-infested peaches.

On August 5, 1942, the United States attorney for the Middle District of Alabama filed a libel against 81 cases, each containing 24 cans, of peaches at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by Bankston-Edwards Canning Co. from Zebulon, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Becco Brand, Contents 1 lb. 12 ozs. White Freestone Peaches."

On September 9, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed by feeding it to the hogs of a local prison.

**4185. Misbranding of canned peaches. U. S. v. 98 Cases of Canned Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 8054. Sample No. 93825–E.)

On August 7, 1942, the United States attorney for the Western District of Washington filed a libel against 98 cases, each case containing 24 cans, of peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, 1942, by Harcourt Greene Co. from Decoto, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Malibu Whole Peeled Yellow Freestone Peaches * * * Packed by Jos. Pearce Canning Co., Decoto, Calif."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard because more than one unit in each can had been crushed or broken and the peaches were badly disintegrated and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED VEGETABLES

**4186. Misbranding of canned peas. U. S. v. Herman B. Herschkowitz and Jack Herschkowitz (Herschkowitz Bros. & Lowenthal). Plea of guilty. Each defendant fined $100.** (F. D. C. No. 2875. Sample Nos. 10488–E, 10489–E.)

On September 18, 1942, the United States attorney for the Southern District of New York filed an information against Herman B. Herschkowitz and Jack Herschkowitz, trading as Herschkowitz Bros. & Lowenthal, at New York, N. Y., alleging that within the period from December 20, 1939, to April 4, 1940, the defendants received from W. H. Roberts & Co., Baltimore, Md., certain unlabeled cans of food contained in cases labeled "Herschkowitz Bros., New York Soaked Peas"; that thereafter and between the dates aforesaid and while the article was held for sale after shipment in interstate commerce, the defendants, at New York, N. Y., unlawfully affixed and caused to be affixed to a number of the cans containing such food a label which contained, among others, the following statement and design: "Faust

Brand [design pea vine with green peas and green pods] Peas Packed for Sentney Wholesale Grocery Co. Hutchinson, Kan."; and affixed to a number of other cans of such food a label containing, among others, the following statements and design "Of Course P-M Brand [design of dish of bright green peas] * * * Alaska Peas Packed for Pratt Mallory Co. Sioux City, Iowa, Sioux Falls, S. Dak. Standard Grade C."

That the acts of the defendants in affixing and causing such labels to be affixed to the cans resulted in the article being misbranded in that the statements "Peas" and "Packed for Sentney Wholesale Grocery Co., Hutchinson, Kan."; "Alaska Peas" and "Packed for Pratt Mallory Co., Sioux City, Iowa, Sioux Falls, S. Dak." and the designs aforesaid were false and misleading, since they represented that the article consisted of immature succulent peas, and in the case of the former that it had been packed for the Sentney Wholesale Grocery Co. of Hutchinson, Kans., and in the case of the latter that it had been packed for the Pratt-Mallory Co. of Sioux City, Iowa, and Sioux Falls, S. Dak., whereas the article consisted of mature dry peas and had not been packed for said firms. It was alleged to be further misbranded in that it consisted of mature dried peas and was offered for sale under the name of another article, "Peas" or "Alaska Peas", i. e., immature succulent peas.

On October 5, 1942, the defendants entered pleas of guilty and the court imposed a fine of $100 against each.

**4187. Misbranding of canned peas. U. S. v. 127 Cases of Foote's Best Early June Peas. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8379. Sample No. 24627–F.)

On September 18, 1942, the United States attorney for the Western District of Virginia filed a libel against 127 cases, each case containing 24 cans, of early June peas at Staunton, Va., alleging that the article had been shipped in interstate commerce on or about July 9, 1942, by D. E. Foote & Co., Inc., from Baltimore, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality has been prescribed by regulations as provided by law and its quality fell below such standard because the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 26, 1942, D. E. Foote & Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4188. Adulteration of canned green beans. U. S. v. 350 Cases and 1,172 Cases of Green Beans. Default decree of condemnation and destruction.** (F. D. C. Nos. 8181, 8182. Sample Nos. 14003–F, 14005–F.)

On August 20, 1942, the United States attorney for the Southern District of California filed a libel against a total of 1,522 cases, each case containing 24 cans, of green beans at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 28 and June 29, 1942, by Quality Products, Inc., from La Feria, Texas; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Westlake Brand Cut Green Beans," or "Curtis Cut Green Stringless Beans."

On September 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4189. Adulteration of canned green beans. U. S. v. 2,000 Cases and 456 Cases of Cut Green Beans. Decrees of condemnation. Product ordered released under bond for salvaging the fit portion.** (F. D. C. Nos. 8374, 8651. Sample Nos. 4430–F, 4724–F.)

This product was underprocessed and in part decomposed.

On September 17 and October 28, 1942, the United States attorneys for the Southern District of Indiana and the Southern District of Ohio filed libels against 2,000 cases, each containing 24 cans, of string beans at Indianapolis, Ind., and 456 cases at Portsmouth, Ohio. Both lots had been shipped by the Stilwell Canning Co. from Stilwell, Okla., the former on or about June 14 and the latter on or about June 22, 1942. The libels alleged that the article had been shipped in interstate commerce and that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Nancy Lee Brand Cut Green Beans, * * * Packed By Steele Canning Co. Springdale, Ark.," or "Keep 'Em Flying Cut Green Beans."

On November 3 and December 5, 1942, the Stilwell Canning Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration.

**4190. Misbranding of canned corn. U. S. v. 115 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7885. Sample No. 80680–E.)

On July 13, 1942, the United States attorney for the Southern District of Ohio filed a libel against 115 cases, each containing 24 cans, of corn at Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, by A. W. Sisk & Son from Aberdeen, Md.; and charging that it was misbranded in that the term "Fancy," appearing on the label was false and misleading as applied to an article that was not fancy because it was over-mature and contained pieces of cob or husk. The article was labeled in part: (Cans) "Preston Brand Fancy Shoe Peg Corn Whole Kernel."

On September 11, 1942, A. W. Sisk & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4191. Adulteration of canned mustard greens. U. S. v. 45 Cases of Canned Mustard Greens. Default decree of condemnation and destruction.** (F. D. C. No. 7959. Sample No. 4502–F.)

This product contained insects.

On July 24, 1942, the United States attorney for the Southern District of Indiana filed a libel against 45 cases, each containing 24 cans, of mustard greens at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Bohannon Canning Company, Inc., from Van Buren, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Van Buren Arkansas, 'Home of Bob Burns' Mustard Greens Contents 1 Lb. 2 Oz."

On September 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4192. Adulteration of spinach. U. S. v. 14 Cases of Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 7795. Sample No. 91601–E.)

On June 29, 1942, the United States attorney for the Northern District of Illinois filed a libel against 14 cases, each case containing 49 cans, of spinach at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 13, 1942, by the Val Vita Food Products Co. from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Blytheville Brand Spinach * * * Distributed by Grocery Trade Supply Co., Chicago, Ill."

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## TOMATOES AND TOMATO PRODUCTS

**4193. Adulteration of canned tomatoes. U. S. v. 696 Cases of Tomatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 8147. Sample No. 29529–F.)

A portion of this product was undergoing progressive spoilage.

On August 18, 1942, the United States attorney for the Northern District of Georgia filed a libel against 696 cases, each case containing 6 cans, of tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by Green Bros. from Seffner, Fla.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Old Glory Brand Tomatoes * * * Packed by Northwestern Canning & Packing Co., Seffner, Fla."

On September 22, 1942, Harman & Hulsey, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be separated and destroyed, under the supervision of the Food and Drug Administration.

**4194. Misbranding of canned tomatoes. U. S. v. 178 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 7619. Sample No. 25681–F.)

On or about July 20, 1942, the United States attorney for the Northern District of Alabama filed a libel against 178 cases, each containing 24 cans, of tomatoes at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by Markham & Russell Canning Co. from Deep Lake, Fla.; and charging that it was misbranded. The article was labeled in part: "Oak Hill Brand Tomatoes."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 8, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution for its own use and not for resale.

**4195. Misbranding of canned tomatoes. U. S. v. 330 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8066. Sample Nos. 28402–F, 28405–F.)

On August 6, 1942, the United States attorney for the Northern District of Georgia filed a libel against 330 cases, each containing 48 cans, of tomatoes at Atlanta, Ga. alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by Green Bros., from Miami, Fla. and charging that it was misbranded. The article was labeled in part: (Cans) "Ruskel Brand Tomatoes * * * Packed by Russell & Kelley Canning Co. Fort Lauderdale, Florida."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, and its quality fell below such standard because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On September 1, 1942, Colonial Stores, Inc., Atlanta, Ga., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**Nos. 4196 to 4201** report the disposition of legal actions involving tomato products that contained mold, indicating the presence of decomposed material.

**4196. Adulteration of tomato catsup. U. S. v. 30 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 8135. Sample No. 81949–E.)

On August 17, 1942, the United States attorney for the District of Idaho filed a libel against 30 cases, each containing 48 cans, of tomato catsup at Bonneville, Idaho, alleging that the article had been shipped in interstate commerce on or about July 17, 1941, and February 25, 1942, by Symn's Utah Grocery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Woods Cross Brand Tomato Catsup * * * Packed by Woods Cross Canning Co. Woods Cross, Utah."

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4197. Adulteration of tomato juice. U. S. v. Ray O. Hiatt (Indiana Packing Co.). Plea of guilty. Fine, $50 and costs.** (F. D. C. No. 6503. Sample No. 62298–E.)

On May 26, 1942, the United States attorney for the Northern District of Indiana filed an information against Ray O. Hiatt, trading as Indiana Packing Co., at Royal Center, Ind., alleging shipment on or about October 20, 1941, from the State of Indiana into the State of Illinois of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 19, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.

**4198. Adulteration of tomato juice. U. S. v. Holley Canning Co. Plea of guilty. Fine, $150.** (F. D. C. No. 7270. Sample No. 75794–E.)

On July 13, 1942, the United States attorney for the Western District of New York filed an information against the Holley Canning Co., a corporation, Holley, N. Y., alleging shipment on or about October 22, 1941, from the State of New York into the State of Massachusetts of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Armour's Star * * * Tomato Juice * * * Armour and Company—Distributors."

On October 20, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150.

**4199. Adulteration of tomato paste. U. S. v. Helen Packing Corporation. Plea of guilty. Fine, $500, $250 of which was suspended.** (F. D. C. No. 4184. Sample Nos. 19965–E, 19969–E.)

On September 29, 1941, the United States attorney for the Western District of New York filed an information against the Helen Packing Corporation, North Collins, N. Y., alleging shipment within the period from on or about September 16 to on or about October 2, 1940, from the State of New York into the State of Pennsylvania of quantities of tomato paste which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ital-Ama Italian Brand American Tomato Paste."

On October 19, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $250 on each of the two counts of the information but suspended payment of the fine on the second count.

**4200. Adulteration of tomato paste. U. S. v. 269 Cases, 89 Cases and 23 Cases of Tomato Paste. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7557, 7558, 7559. Sample Nos. 95057–E, 95066–E, 95067–E.)

On May 25, 1942, the United States attorney for the Western District of Pennsylvania filed libels against a total of 381 cases, each containing 100 cans, of tomato paste in various amounts at McKeesport and Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 8, 1942, by the G. R. Barth Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Firenze * * * Tomato Paste * * * Packed by Turlock Co-Operative Growers San Francisco, Calif."

On August 6, 1942, the Packing Products Co., New York, N. Y., having intervened and petitioned leave to segregate the product into codes and take representative samples from each code, the court granted the intervenor's petition and ordered that the Food and Drug Administration be permitted to take similar samples. On December 19, 1942, no answer having been filed by the intervenor, judgments of condemnation were entered and the product was ordered destroyed.

**4201. Adulteration of tomato puree. U. S. v. 1,036 Cases and 1,383 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6344, 6607. Sample Nos. 73463–E, 73487–E.)

On December 3, 1941, and January 22, 1942, the United States attorney for the Eastern District of Oklahoma filed libels against 2,419 cases, each containing 6 No. 10 unlabeled cans, of tomato puree at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about October 1 and November 3, 1941, by J. LeRoy Farmer Canning Co. from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. On January 22, 1942, one of the libels which covered 1,036 cases of the product was amended to cover 392 cases only.

On October 20, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4202. Adulteration of tomato puree. U. S. v. 1,000 Cans and 405 Cans of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8295, 8296. Sample Nos. 19303–F, 19305–F.)

This product was undergoing progressive spoilage.

On August 31, 1942, the United States attorney for the District of Maine filed libels against 1,000 5-gallon cans of tomato puree at South West Harbor, Me., and 405 5-gallon cans of tomato puree at Prospect Harbor, Me., alleging that the article had been shipped in interstate commerce on or about July 3 and 6, 1942, by Otto W. Cuyler from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## DRIED FRUITS

**Nos. 4203 to 4211** report legal actions involving dried fruit found to contain insects or filth resulting from insect infestation.

**4203. Adulteration of pitted dates. U. S. v. 18 Lugs of Pitted Dates. Default decree of condemnation and destruction.** (F. D. C. No. 8032. Sample No. 28113–F.)

On or about August 7, 1942, the United States attorney for the Southern District of Florida filed a libel against 18 lugs, each containing 30 pounds, of pitted dates at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about June 8, 1942, by California Prune & Apricot Growers Association, from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Deglet Noor Hand Pitted Pieces Pitted Caladate Garden of the Setting Sun Mecca, California."

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4204. Adulteration of loganberries. U. S. v. 25 Cartons of Loganberries. Default decree of condemnation and destruction.** (F. D. C. No. 8246. Sample No. 14013–F.)

On August 25, 1942, the United States attorney for the Southern District of California filed a libel against 25 cartons, each containing 25 pounds, of evaporated loganberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 12, 1939, by the Washington Packers, Inc., from Sumner, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dewkist Evaporated Loganberries."

On September 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

**4205. Adulteration of dried prunes. U. S. v. California Packing Corporation. Plea of nolo contendere. Fine $50.** (F. D. C. No. 2947. Sample No. 21353–E.)

On March 14, 1941, the United States attorney for the Northern District of California filed an information against the California Packing Corporation at San Francisco, Calif., alleging delivery at Alameda, Calif., on or about September 17, 1940, for introduction into interstate commerce, from the State of California into the State of Washington of a quantity of prunes that were adulterated in that they consisted in whole or in part of filthy substances.

On October 10, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

**4206. Adulteration of dried prunes. U. S. v. 22 Cases of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 8016. Sample No. 9642–F.)

On July 31, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 22 cases, each containing 25 pounds, of dried prunes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Abinante & Nola Packing Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dubon Brand Santa Clara Prunes * * * Packed For Fraering Brokerage Co., Inc., New Orleans."

On September 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4207. Adulteration of raisins. U. S. v. 27 Cases of Raisins. Default decree of condemnation. Product ordered delivered to county institution for use as hog feed.** (F. D. C. No. 8003. Sample No. 24208–F.)

On July 30, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 27 cases, each case containing 48 cartons, of raisins at Welch, W. Va., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by the California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cartons) "Golden Glow * * * California Seedless Raisins."

On October 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution for use as hog feed.

**4208. Adulteration of raisins. U. S. v. 110 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 8196. Sample No. 17825–F.)

On August 26, 1942, the United States attorney for the Southern District of New York filed a libel against 110 25-pound cases of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by El Encanto Vineyards, from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Virginia Lee Brand Midget Thompson Seedless."

On September 4, 1942, the Wheatality Bakery, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated and destroyed.

**4209. Adulteration of raisins. U. S. v. 250 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 8313. Sample No. 17961–F.)

On September 4, 1942, the United States attorney for the Southern District of New York filed a libel against 250 25-pound cases of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1941, by the Enoch Packing Co., from Del Rey, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Airport Brand Alicante Raisins."

On September 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4210. Adulteration of raisins and currants. U. S. v. 70 Bags of Raisins (and 5 additional seizure actions against raisins and currants). Decrees of condemnation. Portions of products ordered destroyed. Remainder ordered released under bond for use as stock or hog feed.** (F. D. C. Nos. 7958, 8071, 8275, 8440, 8508, 8525. Sample Nos. 14250–F, 14251–F, 24245–F, 24253–F, 28105–F, 28115–F, 28713–F.)

Between July 27 and October 7, 1942, the United States attorneys for the Southern District of Florida, the Middle District of North Carolina, the Southern District of West Virginia, and the District of Arizona filed libels against 7 cases, each containing 72 boxes, of raisins and 17 cases, each containing 24 packages, of currants at Tampa, Fla., 81 boxes, each containing 25 pounds, of raisins at Greensboro, N. C., 420 cases of raisins at Bluefield, W. Va., 66 cartons of raisins at Beckley, W. Va., 14 cartons and 2 cases of raisins at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about January 21 to on or about May 7, 1942, by the Sunland Sales Cooperative Association, from Fresno, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. They were labeled in part: "Blue Ribbon Brand Seedless Raisins [or "Sun Maid Baby Puffed Seeded Raisins," "Sun Maid Zante Currants," or " 'Market Day Special' Thompson Seedless Raisins"] Sun-Maid Raisin Growers of California, Fresno, California"; or "Sun-Maid Midget [or "Bakery Type," or "Fancy"] Thompson Seedless Raisins."

On September 1 and November 6, 1942, no claimant having appeared for the products located at Tampa and Tucson, and the consignee of the goods seized at Greensboro having consented to the entry of a decree, judgments of condemnation were entered and the products were ordered destroyed. On November 10, 1942, the Cole Baking Co., claimant for the portions located at Bluefield and Beckley, W. Va., having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured and disposed of for stock or hog feed.

**4211. Adulteration of mixed dried fruit and dried peaches. U. S. v. James G. Vagim (Vagim Packing Co.) Plea of nolo contendere. Fine $400.** (F. D. C. No. 7660. Sample Nos. 76773–E, 81547–E, 81561–E to 81563–E, incl.)

On September 9, 1942, the United States attorney for the Southern District of California filed an information against James G. Vagim, trading as Vagim Packing Co., at Fresno, Calif., alleging shipment on or about January 23 and 27, 1942, from the State of California into the States of Colorado and Minnesota of quantities of dried mixed fruits and dried peaches, which were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Plump and Meaty Brand Choice California Mixed Fruit [or "Recleaned Muir Peaches," or "Recleaned Yellow Peaches"]."

On October 12, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $400.

## FEED

**4212. Misbranding of alfalfa meal. U. S. v. Cooperative Alfalfa Mills, Inc. Plea of nolo contendere. Fine, $100 and costs.** (F. D. C. No. 7194. Sample No. 18674–E.)

This product contained less crude protein and more crude fiber than declared on the label.

On May 12, 1942, the United States attorney for the Northern District of Ohio filed an information against the Cooperative Alfalfa Mills, Inc., Toledo, Ohio, alleging shipment on or about August 2, 1941, from the State of Ohio into the State of Maryland of a quantity of alfalfa meal that was misbranded. The article was labeled in part: (Tags) "Dehydrated Alfalfa Meal 100 Pounds Net. Guaranteed Analysis Crude Protein, not less than 17.0 per cent * * * Crude Fibre, not more than 28.0 Per Cent."

The article was alleged to be misbranded in that the above-quoted statements borne on the tag were false and misleading, since the article contained not more than 14.65 percent of crude protein and not less than 31.40 percent of crude fibre.

On October 12, 1942, a plea of nolo contendere was entered on behalf of the defendant. The court imposed a fine on October 13 of $100 and costs.

**4213. Misbranding of alfalfa meal and alfalfa leaf meal. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, $600 and costs.** (F. D. C. No. 7190. Sample Nos. 18668–E, 18669–E.)

On May 12, 1942, the United States attorney for the Northern District of Ohio filed an information against the Saunders Mills, Inc., Toledo, Ohio, alleging shipment on or about August 4, 1941, from the State of Ohio into the State of Kansas of quantities of alfalfa meal and alfalfa leaf meal that were misbranded. The articles were labeled in part: (Tags) "Alfalfa Meal Guaranteed Analysis Crude Protein not less than 13.0 per cent * * * Crude Fibre, not more than 33.0 Per Cent," or "Alfalfa Leaf Meal Crude Protein not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent."

The articles were alleged to be misbranded since they contained less crude protein and more crude fibre than declared. The alfalfa meal contained protein in amounts varying from 12.38 to 12.48 percent and crude fibre in amounts varying from 36.40 to 36.76 percent; the alfalfa leaf meal contained crude protein in amounts varying from 16.67 to 16.89 percent and crude fibre in amounts varying from 29.05 percent to 29.27 percent.

On October 12, 1942, a plea of guilty having been entered on behalf of the defendant the court imposed a fine of $600 and costs.

**4214. Misbranding of alfalfa leaf meal and alfalfa meal. U. S. v. 40 Bags and 62 Bags of Alfalfa Leaf Meal and 90 Bags of Alfalfa Meal. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8335. Sample Nos. 26481–F, 26482–F.)

On September 8, 1942, the United States attorney for the District of Maryland filed libels against 102 bags of alfalfa leaf meal and 90 bags of alfalfa meal at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about July 8, 1942, by Raffety & O'Rourke from Wyatt, Mo.; and charging that they were misbranded. The articles were labeled in part: (Tag) "R & O'S 20% [or "17%"] Dehydrated Alfalfa Leaf Meal [or "Alfalfa Meal"]."

The articles were alleged to be misbranded in that the statements on the labels of the respective products, "Crude Protein, not less than 20.0%" and "Crude Protein, not less than 17.0% Crude Fibre, not more than 27.0%" were false and misleading since the former contained not more than 18.25 percent of crude protein and the latter contained not more than 14.51 percent of crude protein and not less than 32.45 percent of crude fibre.

On September 23, 1942, the cases having been consolidated and George F. Obrecht, Jr., and William F. Obrecht, trading as George F. Obrecht Co. and C. B. Watkins & Co., claimants for respective portions of the product, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4215. Misbranding of alfalfa meal. U. S. v. 110 Bags of Alfalfa Meal. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8334. Sample No. 26484–F.)

On September 8, 1942, the United States attorney for the District of Maryland filed a libel against 110 100-pound bags of alfalfa meal at Baltimore, Md., alleg-

ing that the article had been shipped in interstate commerce on or about June 29, 1942, by the Plantation Alfalfa Meal Co. from East Prairie, Mo.; and charging that it was misbranded in that the statements on the label "Crude Protein, not less than 17.0%" and "Crude Fibre, not more than 27.0%" were false and misleading since it contained not more than 12.09 percent of crude protein and not less than 39.61 percent of crude fibre.

On September 24, 1942, J. Henry Clusman Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4216. Misbranding of cottonseed meal. U. S. v. Swift & Co. (Swift & Co. Oil Mill.) Plea of guilty. Fine, $200.** (F. D. C. No. 7303. Sample No. 68912–E.)

On August 20, 1942, the United States attorney for the Eastern District of Missouri filed an information against Swift & Co., a corporation, trading as Swift & Co. Oil Mill, at Portageville, Mo., alleging shipment on or about September 19, 1941, from the State of Missouri into the State of Kansas of a quantity of cottonseed meal that was misbranded in that the statement "41.00% Protein * * *Guaranteed Analysis Minimum Protein 41.00% * * * Maximum Crude Fiber 12.00%" borne on the tag was false and misleading since the article contained not more than 37.94% of protein and not less than 13.49% of crude fiber. The article was labeled in part: "Prime Quality Dixie Brand * * * Cotton Seed Meal."

On October 14, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

**4217. Misbranding of cottonseed meal. U. S. v. Maxton Oil & Fertilizer Co. Plea of nolo contendere. Fine, $100.** (F. D. C. No. 7215. Sample No. 18678–E.)

On June 29, 1942, the United States attorney for the Eastern District of North Carolina filed an information against Maxton Oil & Fertilizer Co., a corporation, Maxton, N. C., alleging shipment on or about October 10, 1941, from the State of North Carolina into the State of Maryland of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "'MOFCO' COTTONSEED MEAL 41% Protein * * * Guaranteed Analysis * * * Protein (Min.) 41% * * * Fibre 10%."

The article was alleged to be misbranded in that the labeling was false and misleading since it represented and suggested that the article contained not less than 41 percent of protein and not more than 10 percent of fibre, whereas it contained not more than 39.14 percent of protein, and not less than 12.04 percent of fibre.

On September 21, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

**4218. Misbranding of cottonseed meal. U. S. v. Cairo Meal and Cake Co. Fine, $300 and costs.** (F. D. C. No. 7301. Sample Nos. 68910–E, 68913–E.)

On September 5, 1942, the United States attorney for the Eastern District of Illinois filed an information against the Cairo Meal and Cake Co., a corporation, at Cairo, Ill., alleging shipment on or about October 30 and November 5, 1941, from the State of Illinois into the State of Kansas of quantities of cottonseed meal which was misbranded. The article was labeled in part: "White Mule Brand Prime Cotton Seed Meal * * * Guaranteed Analysis Protein 41%."

The article was alleged to be misbranded in that the statement "Protein 41.00%" borne on the tag, was false and misleading since it contained less than 41 percent of protein. Samples from the 2 shipments were found to contain not more than 37.31 and 38.12 percent of protein, respectively.

On October 21, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $150 on each of the two counts, and costs.

**4219. Misbranding of cottonseed cake or meal. U. S. v. Temple Cotton Oil Co. Plea of nolo contendere. Fine $50.** (F. D. C. No. 6479. Sample Nos. 68901–E, 68907–E.)

On June 5, 1942, the United States attorney for the Eastern District of Arkansas filed an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about June 25 and October 6, 1941, from the State of Arkansas into the State of Kansas of quantities of cottonseed cake or meal that was misbranded. The article was labeled in part: (Tags) "100 Pounds

Net Quapaw Brand 41% Protein Cottonseed Cake," or "Equity Brand Cottonseed Cake & Meal Guaranteed Analysis Protein not less than 43%."

The Quapaw brand was alleged to be misbranded (1) in that the statement regarding the net weight, borne on the tag was false and misleading since such statement represented and suggested that each of the sacks contained not less than 100 pounds of the article, whereas a large number of said sacks contained substantially less than 100 pounds; and (2) in that the tag or label failed to bear an accurate statement of the quantity of the contents of the sacks in terms of weight.

The Equity brand was alleged to be misbranded in that the statement "Guaranteed Analysis Protein not less than 43%," borne on the tag, was false and misleading since the article contained not more than 40.56 percent of protein.

On October 13, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

**4220. Misbranding of cottonseed screenings. U. S. v. Swift & Co. (Swift & Co. Oil Mill). Plea of guilty. Fine $100 and costs.** (F. D. C. No. 7283. Sample 68909–E.)

On July 21, 1942, the United States attorney for the Eastern District of Illinois filed an information against Swift & Co., a corporation, trading under the name of Swift & Co. Oil Mill at Cairo, Ill., alleging shipment on or about October 10, 1941, from the State of Illinois into the State of Kansas of a quantity of cottonseed screenings that was misbranded. The article was labeled in part: (Tag) "Cotton Bloom 41% Protein Cottonseed Meal."

The article was alleged to be misbranded in that the statements "41% Protein Cottonseed Meal * * * Guaranteed Analysis Crude Protein not less than 41.00% * * * Crude Fibre not more than 13.00%" borne on the tag, were false and misleading since it contained not more than 38.81 percent of protein and not less than 13.86 percent of crude fibre.

On September 8, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

**4221. Misbranding of peanut meal. U. S. v. Wilmington Oil & Fertilizer Co. Tried to the court and a jury. Verdict of guilty. Fine, $250.** (F. D. C. No. 7216. Sample No. 18677–E.)

On June 26, 1942, the United States attorney for the Eastern District of North Carolina filed an information against the Wilmington Oil & Fertilizer Co., a corporation, Wilmington, N. C., alleging shipment on or about July 17, 1941, from the State of North Carolina into the State of Maryland of a quantity of peanut meal which was misbranded. The article was labeled in part: (Tag) "100 lbs. Net Peco Brand Peanut Meal * * * Guaranteed Analysis Protein Not Less Than 41.00%."

The article was alleged to be misbranded in that the protein declaration on the tag was false and misleading since it represented and suggested that the article contained 41 percent of protein, whereas it contained not more than 38.62 percent.

On October 26, 1942, the defendant having entered a plea of not guilty, the case came on for trial before a jury which returned a verdict of guilty. The court thereupon imposed a fine of $250.

## POULTRY

**Nos. 4222 to 4230** report cases involving various shipments of dressed poultry, samples of which were found to be diseased, decomposed, emaciated, insufficiently bled, or bruised.

**4222. Adulteration of dressed poultry. U. S. v. H. & H. Poultry Co., Homer H. Pepper, and Samuel H. Sahn. Pleas of not guilty. Tried to a jury. H. & H. Poultry Co. found guilty and fined $1,500. Directed verdict of not guilty with respect to Homer H. Pepper. Jury disagreed with respect to Samuel H. Sahn and nolle prosequi ordered.** (F. D. C. No. 7320. Sample No. 69349–E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against the H. & H. Poultry Co., Selbyville, Del., Homer H. Pepper, and Samuel H. Sahn, alleging shipment on or about February 23, 1942, from the State of Delaware into the State of New York of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On November 9, 1942, pleas of not guilty having been entered on behalf of the defendants, the case came on for trial before the court and a jury. The trial was concluded on November 10, the court delivering the following instructions to the jury:

LEAHY, *District Judge:* "In this case the United States has brought an indictment against H. & H. Poultry Company, one Samuel Sahn, and one Homer H. Pepper. While you were out to lunch, I heard an argument on behalf of Mr. Tunnell, asking the court to direct a verdict of not guilty as against Mr. Pepper for the reason there was no testimony in this case at all connecting him with the enterprise. I have found in favor of Mr. Tunnell insofar as Mr. Pepper is concerned. It is my recollection that while his name was mentioned they have not connected him into the enterprise and it is my duty to direct you to bring in a directed verdict of not guilty as to Mr. Pepper.

"We have got to decide this case on the facts presented before you.

"In this case the defendant maintains a place of business in Selbyville, Del., and the indictment charges that on February 23d of this year the defendants, that is, the corporation and Sahn, being the only defendant left, introduced into interstate commerce at Selbyville, Del., and consigned to Loyal Blanchard in New York, two barrels containing dressed chickens. The Government claims these birds were, under the Federal law, adulterated.

"Let us look at the statute. I am only going to give you the portions of the statute which come within the channels of this indictment. This indictment does not charge that the goods were unfit for food, the words of the statute is that they were putrid, but the Government has restricted itself in its charge in the indictment and to its proof that the fowl was decomposed and diseased. Let us look at the statute. It provides: 'The following is prohibited, the introduction into interstate commerce of any food * * * that is adulterated.' Now, we have to turn to another section of the law and find out what food is and I find Congress defining food under this act, and I quote 'The term food means articles used for food for man or other animals.' Now, we come to what is adulterated food, and I am quoting 'A food shall be deemed to be adulterated if it consists in whole or in part of any decomposed substance or if it is wholly or in part the product of a diseased animal.'

"The defendants before you have entered their pleas of not guilty, which means they deny every material allegation contained in the indictment. In this case, as in all other cases, the burden of proof is upon the Government to prove the defendants guilty beyond a reasonable doubt, as that term will be hereinafter defined for you by me. This burden of proof applies to every material issue in the case and it should be stated that the burden of proof is never upon a defendant to prove himself innocent. Every person charged with a criminal act is, by the law, presumed to be innocent of that charge and the defendant in this case is entitled to the presumption of innocence during your deliberation and until such time as the Government, by evidence, has convinced you beyond a reasonable doubt to the contrary.

"By that I mean that the presumption of innocence is with the defendant, not only when he pleaded not guilty and through this whole trial, but always until such time as the evidence establishes to your satisfaction, his guilt beyond a reasonable doubt. This presumption of innocence is not a mere idle, legal theory to be cast aside by the jury, but it is a substantial part of the law of the land and follows the defendant throughout the entire case and must not be lost sight of by the jury until it has been overcome by evidence establishing the defendant's guilt beyond all doubt.

"This rule, which clothes every person accused of crime with the presumption of innocence and imposes upon the Government the burden of establishing guilt beyond a reasonable doubt, is not intended to aid anyone who is in fact guilty of crime; it is not an aid to him to escape; but it is a humane provision of the law intended, so far as human agencies can, to guard against the danger of an innocent person being unjustly convicted.

"Whenever in this charge I have used the expression the Government must prove its case beyond a reasonable doubt, that is a doubt which is meant as the term itself implies—a doubt for which you can give a good reason and not a speculative or imaginary or conjectural doubt. It is a doubt which will cause a reasonable, prudent man to consider, hesitate or waive in the graver and more important concerns of life. It is not necessary for the Government to prove the defendant guilty beyond all possibility of doubt. Such is not the requirement of the law and if this would be so, in many cases, it would be impossible to prove

a person guilty. Reasonable doubt is such a doubt that a man of ordinary prudence and decision in determining the issues of life concerning his own affairs would make him pause or hesitate before arriving at his conclusion.

"It is the function of the court to instruct and charge you upon the law applicable to this case. It is the function of the jury, and the law makes you the sole and exclusive judges of the facts. You are not bound by any expression of opinion which I made through this trial. If at any place in this charge, the court has expressed or intimated or should express or attempt to intimate any opinion as to the facts, you are not bound upon any such expression and any expression of opinion which I may have heretofore made, you will understand, is made for the sole purpose of guiding and assisting you and I had no purpose in mind to bind you to adopt any such opinion I may have expressed, either direct or by intimation.

"I will charge as to the law: It is the law that whoever directly commits any act constituting an offense defined in any law of the United States, or who aids, abets or procures its commission, is a principal. I charge you as a matter of law that if an agent does an illegal act on behalf of his principal, such agent makes not only the principal liable for his act, but himself as well.

"This case, involving as it does, a charge of the commission by the defendants of a misdemeanor, is presented by what is called on indictment. I instruct you that this indictment is sufficient as a matter of law to justify this prosecution. Therefore, it is your sole duty to consider the evidence and to determine whether the indictment is supported by the evidence that has been offered by the Government. In that connection I will turn the indictment over to you and you will read the charges set forth therein and then see if the Government has produced evidence to sustain these particular charges.

"As I have heretofore instructed you, not only is one who directly commits an act constituting an offense defined in any law of the United States guilty of that offense, but one who aids or abets its commission is also liable as a principal. Therefore, if you should find that the defendants or any of them aided or abetted the corporation, H & H Poultry Company, Inc., in the commission of any of the offenses charged, such person would be as guilty as the corporation.

"Although the individual defendant is referred to in the indictment as an officer of the H & H Poultry Company, it is not essential to the Government's case that they be shown to be such officer in order to authorize the conviction of the remaining defendant. If you find the individual defendant remaining was not an officer, but you find he acted for the corporation in the acts complained of such defendant may be found guilty. Moreover, if you find in so acting for the corporation such defendant did so as its duly authorized representative, the corporation in turn is bound by the action he took on its behalf.

"I instruct you that it is unlawful to introduce or cause to be introduced into interstate commerce poultry that constitutes in whole or in part any decomposed substance, any poultry that is in whole or in part diseased, or the product of a diseased animal. Such poultry is adulterated under the Federal Food, Drug, and Cosmetic Act and its shipment from Delaware to another State, New York, is prohibited.

"You are further instructed, as a matter of law, that intention or knowledge of the defendants that the poultry was adulterated is not an element of the offense charged in this case. If you find that any one or more or all of the defendants introduced or caused to be introduced, or delivered for introduction or caused to be delivered for introduction into interstate commerce poultry that was decomposed or was the product of a diseased animal, then you should find for the Government.

"In discharging your duty as judges of the facts in this case, you may take into account the intelligence or lack of intelligence displayed by any witness, the opportunity or lack of opportunity on the part of any witness, to know or be informed about the matters upon which he testified. You may also take into account the interest any witness may have in the outcome of the case and weigh his testimony accordingly.

"I think in all we had 17 witnesses, 7 of which were expert. I shall now charge with respect to the law as to expert witnesses. Ordinarily, in the trial of cases witnesses are confined in their testimony to facts within their personal knowledge and they are not permitted to draw conclusions or express opinions. That is the general rule. But there is an exception to that rule where the points in issue arise out of a particular science or art concerning which there are trained minds who have special knowledge, learning or schooling in that particular field. Such persons are called experts and because of that special training

or learning they are entitled to express opinions concerning the matters at issue. You will, of course, weigh and evaluate the testimony of the expert witnesses in this case precisely as you weigh the testimony of any non-expert witnesses; that is to say, you will take into account the probability and reasonableness of the matters to which they have testified, the schooling of the person giving it, the learning that he has in his profession, or the want of it, and the breadth of his experience in the field which would enable him to arrive at a correct conclusion. In other words, his testimony should be given such weight as you believe it entitled to receive.

"As I said before, you are the sole judges of the facts in this case in determining the weight and credit you desire of the testimony of any witness you will take into consideration the tenor of the witnesses, the opportunity the witness has to know the things he is speaking about, his interest or lack of interest. In weighing the evidence of any witness, whether it is a witness for the Government or for the defendants, you will take into consideration the interest or lack of interest that witness may have had, bearing in mind, of course, that the defendant himself in this case is an interested witness—I am sorry, ignore that. I thought the defendant had taken the stand in his own behalf.

"You will determine where the truth lies and determine who told the truth and the extent and the weight to be given to the testimony. In other words, in determining the credibility of any witness you will, as reasonable men, apply the same test you would in determining the truthfulness of a person you might meet in the ordinary course of affairs in your own life.

"I leave the case to you, gentlemen, and ask the bailiff be sworn."

MR. TUNNELL: "May I ask that an exception be noted for the defendants?"

LEAHY, *J.*: "It is so noted."

The jury returned a verdict of guilty against the corporation and a verdict of not guilty with respect to Homer H. Pepper, as directed by the court. The jury reported that it was unable to reach a verdict with regard to Samuel H. Sahn and on November 23, 1943, a nolle prosequi was entered by the United States attorney.

**4223. Adulteration of poultry. U. S. v. Jacob Udell (Eagle Poultry Company). Pleas of guilty. Fine $2,000, 6 months' jail sentence suspended and defendant placed on probation for 6 months.** (F. D. C. No. 7714. Sample No. 69375–E.) **U. S. v. Jacob Udell (Eagle Poultry Company). Plea of guilty. Fine of $1,000.** (F. D. C. No. 7714A. Sample No. 17622–F.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented two indictments against Jacob Udell, trading as Eagle Poultry Co. at Frankford, Del., alleging shipment on or about March 10 and August 8, 1942, from the State of Delaware into the States of New York and Maryland of quantities of poultry that was adulterated in that it consisted in whole or in part of the product of diseased animals.

On November 27, 1942, the defendant having entered pleas of guilty, the court imposed a fine of $2,000 and a jail sentence for the shipment into the State of New York, which jail sentence was suspended and defendant was placed on probation for 6 months. The defendant was also fined $1,000 for the shipment into the State of Maryland.

**4224. Adulteration of poultry. U. S. v. George Byron Parsons (Parsons Produce Co.) Plea of guilty. Fine $25.** (F. D. C. No. 7253. Sample No. 71581–E.)

On June 17, 1942, the United States attorney for the District of South Dakota filed an information against George Byron Parsons, trading as Parsons Produce Co., Woonsocket, S. Dak.; alleging shipment within the period from on or about December 5 to on or about December 11, 1941, from the State of South Dakota into the State of Iowa of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On October 19, 1942, the defendant entered a plea of guilty and the court imposed a fine of $25.

**4225. Adulteration of poultry. U. S. v. Agar Poultry Farms Corporation. Plea of nolo contendere. Fine, $500 and costs.** (F. D. C. No. 7310. Sample No. 69344–E.)

On June 29, 1942, the United States attorney for the District of Maryland filed an information against Agar Poultry Farms Corporation at Berlin, Md., alleging shipment on or about February 23, 1942, from the State of Maryland into the State of New York, of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Del-Mar-Va Farms Brand."

On September 16, 1942, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of $500 and costs.

**4226. Adulteration of poultry. U. S. v. Swift & Co. Plea of nolo contendere on first count and not guilty on second count. Tried to the court. Verdict of guilty by the court on both counts. Fine $100, and costs.** (F. D. C. No. 7676. Sample Nos. 84379–E, 89733–E, 89734–E.)

On August 24, 1942, the United States attorney for the District of Maryland filed an information against Swift & Co., a corporation, trading at Salisbury, Md., alleging shipment on or about April 8 and 21, 1942, from the State of Maryland into the States of New Jersey and Virginia of quantities of poultry that was adulterated.

The information alleged in the first count that the poultry shipped into New Jersey was adulterated in that it was in whole or in part the product of diseased animals. The information alleged in the second count that the poultry shipped into Virginia was adulterated in that it was in whole or in part the product of diseased animals, and of animals that had died otherwise than by slaughter.

On October 9, 1942, pleas of nolo contendere to the first count and not guilty to the second count having been entered on behalf of the defendant, the case came on for trial before the court, sitting as a jury. At the conclusion of the trial the court entered a verdict of guilty under both counts, stating however, that he was not convinced beyond a reasonable doubt that poultry that had died otherwise than by slaughter had been shipped as charged in the second count. A fine of $100 and costs was imposed.

**4227. Adulteration of poultry. U. S. v. Priebe & Sons, Inc. Plea of guilty. Fine $100.** (F. D. C. No. 7702. Sample No. 77111–E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against Priebe & Sons, Inc., a corporation, at Stockley, Del., alleging shipment on or about April 14, 1942, from the State of Delaware into the State of Pennsylvania of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: (Top of barrel) "Priebe Del-Mar-Va Chickens Milk-Fed On Red Comb Feed."

On October 23, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

**4228. Adulteration of poultry. U. S. v. Millsboro Poultry Co., Inc. Plea of guilty. Fine $100.** (F. D. C. No. 7706. Sample Nos. 54735–E, 54736–E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against the Millsboro Poultry Co., Inc., a corporation, at Millsboro, Del., alleging shipment on or about April 3, 1942, from the State of Delaware into the State of Pennsylvania of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On October 23, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

**4229. Adulteration of poultry. U. S. v. 9 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 8180. Sample No. 17622–F.)

On August 20, 1942, the United States attorney for the District of Maryland filed a libel against 9 barrels of poultry at Berlin, Md., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Eagle Poultry Co. from Frankford, Del., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was wholly or in part the product of diseased animals.

On September 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4230. Adulteration of poultry. U. S. v. 27 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 8036. Sample No. 17621–F.)

On August 3, 1942, the United States attorney for the District of Massachusetts filed a libel against 27 boxes of diseased poultry, each box containing 12 fowl, alleging that the article had been shipped in interstate commerce within the period from on or about June 27 to on or about July 16, 1942, from branch houses operated by Wadley & Co., of Independence, Iowa, from Central City, Iowa, by the Central City Produce Co.; from Decorah, Iowa, by the Decorah Produce Co.; and from Forest City, Iowa, by the Forest City Produce Co.; and charging that it

was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of a diseased animal. The article was labeled in part: (Boxes) "Elmore Fatted Broilers," "Elmore Milk Fed Broilers," "Wapsie Valley Fancy Broilers," or "Wapsie Valley Milk Fed Broilers."

On September 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## NUTS AND NUT PRODUCTS

**4231. Adulteration of pecan meats. U. S. v. 1 Carton and 6 Cartons of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 7646. Sample No. 86570–E.)

This product contained fecal *Esch. coli.* and mammalian hairs resembling those of rodents.

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 7 cartons, each containing 50 pounds, of pecan meats, at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about April 29 to on or about May 13, 1942, by the Finklea Pecan Co. from Mobile, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4232. Adulteration of shelled peanuts. U. S. v. 10 Bags of Shelled Peanuts. Default decree of condemnation and destruction.** (F. D. C. No. 8356. Sample No. 24238–F.)

This product contained insect-eaten and rodent-eaten peanuts, and insect excreta and larvae.

On September 17, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 10 bags, containing approximately 1,140 pounds of shelled peanuts, at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by Parker Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4233. Adulteration of shelled Spanish peanuts. U. S. v. 250 Bags and 250 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond to be converted into nonedible oils.** (F. D. C. Nos. 8063, 8114. Sample Nos. 4717–F, 4720–F.)

This product was insect-infested.

On August 6 and 13, 1942, the United States attorney for the Southern District of Ohio filed libels against 500 bags of peanuts at Cincinnati, Ohio, which had been consigned on or about July 16, 1942, alleging that the article had been shipped in interstate commerce by the Macon Peanut & Storage Co. from Macon and South Macon, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16, 1942, the Kroger Grocery & Baking Co., claimant, Cincinnati, Ohio, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be processed into nonedible oil under the supervision of the Food and Drug Administration.

**4234. Adulteration of peanuts. U. S. v. 24 Bags of Peanuts. Default decree of condemnation. Product ordered sold for extraction of peanut oil.** (F. D. C. No. 8298. Sample No. 28651–F.)

This product contained rancid, decomposed, and moldy peanuts.

On September 3, 1942, the United States attorney for the Southern District of Florida filed a libel against 24 bags, each bag containing 115 pounds, of peanuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 14, 1942, by Hodges Farm Products Co. from Bainbridge, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a vegetable oil company for the extraction of peanut oil, in accordance with the request of the Fat Salvage Unit

of the War Production Board, provided that the product should not be disposed of in violation of the Federal Food, Drug, and Cosmetic Act.

**4235. Adulteration of pistachio nuts. U. S. v. 4 Cans of Pistachio Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 8097. Sample No. 2701–F.)

This product consisted of rancid and decomposed nuts.

On August 31, 1942, the United States attorney for the District of Kansas filed a libel against 4 25-pound cans of nuts at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about July 7, 1942, by the American Pistachio Corporation from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Sun over the Desert Brand Extra Quality Pistachio Nuts."

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4236. Adulteration of desiccated coconut. U. S. v. 12 Boxes and 6 Sacks of Desiccated Cocoanut. Default decree of condemnation and destruction.** (F. D. C. No. 7828. Sample No. 93805–E.)

This product contained wood splinters and nondescript dirt.

On June 29, 1942, the United States attorney for the Western District of Washington filed a libel against 12 boxes and 6 sacks of desiccated coconut at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by Trade Wind Foods, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Ceylon Desiccated Cocoanut," (sacks) "Trade Wind Macaroon," or "Worth Brand Macaroon Manufactured by Consolidated Trading Corp., Manila, P. I."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4237. Adulteration of peanut butter. U. S. v. 262 Cases of Peanut Butter. Dedefault decree of condemnation and destruction.** (F. D. C. No. 7361. Sample No. 71270–E.)

This product contained insect fragments, wood fragments, and dirt.

On April 17, 1942, the United States attorney for the Southern District of Iowa filed a libel against 262 cases of peanut butter at Muscatine, Iowa, alleging that the article had been shipped in interstate commerce on or about February 27, 1942, by the Millard-United Co., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jars) "Del Haven Brand Uniform Quality Peanut Butter * * * Packed for Federated Foods, Inc., San Francisco and Chicago."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4238. Adulteration of peanut butter. U. S. v. 14 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7633. Sample Nos. 92072–E, 92073–E.)

This product contained rodent hairs and rodent excreta fragments.

On June 18, 1942, the United States attorney for the District of Arizona filed a libel against 14 cases of peanut butter at Yuma, Ariz., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by Golden West Products Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jars) "Golden West Brand Pure Peanut Butter * * * Net Weight 6 Ozs. [or "1 Lb. 8 Oz."]."

On September 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## OILS

**4239. Adulteration and misbranding of oil. U. S. v. 99 Cases of Oil. The consignee, Cimino Bros., adjudged guilty of contempt of court for selling or otherwise disposing of portion of product, and fined $200. Default decree condemning remainder and ordering it sold to be used in the manufacture of soap.** (F. D. C. No. 3869. Sample No. 56015–E.)

On February 27, 1941, the United States attorney for the District of Connecticut filed a libel against 99 cases, each containing 6 1-gallon cans, of oil at New Haven,

Conn., alleging that the article had been shipped in interstate commerce on or about January 21, 1941, by the Import Oil Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Main panel) "Talia Brand Olio," (small sticker on one main panel) "Cottonseed Oil Color and Flavor Added."

The article was alleged to be adulterated (1) in that inferiority had been concealed by the addition of artificial flavor and artificial color; (2) and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (3) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements on the can label "Talia * * * Olio di qualita Suprema * * * La purezza di quest olio e garentita e noilo raccomandiamo per uso tavola e culinare," and the designs of medals, a shield, and olive branches, were false and misleading since they conveyed the impression that the article was of foreign origin; (2) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that the information required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the sticker label was inconspicuous and could be easily removed.

On October 27, 1942, affidavits having been filed by the Assistant United States attorney and an inspector of the Food and Drug Administration, from which it appeared that a part of the oil had been sold or otherwise disposed of in violation of the attachment, an order was filed that Cimino Brothers, New Haven, Conn., the firm in possession of the goods, show cause why they should not be held guilty of contempt of court. The order to show cause was returnable on November 16, on which date the court found Cimino Brothers guilty of contempt of court by reason of the sale of part of the oil after attachment and imposed a fine of $200.

On March 5, 1943, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and it was ordered sold for use in the manufacture of soap.

**4240. Adulteration and misbranding of oil. U. S. v. 142 Cartons of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4931. Sample No. 56675–E.)

On June 16, 1941, the United States attorney for the District of Connecticut filed a libel against 142 cartons, each containing 1 can, of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about January 7 to on or about May 8, 1941, by the Best Packing Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that peanut oil artificially flavored and colored had been substituted wholly or in part for "Corn Oil Color & Flavor Added," which the article purported to be.

It was alleged to be misbranded (1) in that the statement on the cartons, "Corn Oil," was false and misleading as applied to peanut oil; (2) in that it was offered for sale under the name of another food, i. e., corn oil; (3) in that it was an imitation of olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and (a) its immediate container (can) failed to bear the name and place of business of the manufacturer, packer, or distributor, and (b) the outside container (carton enclosing each can) failed to bear an accurate statement of the quantity of the contents; (5) in that its immediate container (can) failed to bear the common or usual name of the food; (6) and in that it contained artificial flavoring and artificial coloring and the immediate container did not bear labeling stating that fact.

On January 25, 1943, the Best Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4241. Misbranding of oil. U. S. v. 299 Cans and 149 Cans of Oil. Consent decrees of condemnation. Product ordered released under bond to be repacked.** (F. D. C. No. 8362, 8363. Sample Nos. 4728–F, 4729–F.)

This product consisted essentially of an oil or oils other than olive oil and contained little, if any, olive oil. It was short of the declared volume.

On September 16, 1942, the United States attorney for the Southern District of Ohio filed a libel against 448 cans of oil at Cincinnati, Ohio, which had been consigned on or about July 28, 1942, alleging that the article had been shipped in interstate commerce by the Western Food Corporation, from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Liguria Superfine Brand Olive Oil."

It was alleged to be misbranded (1) in that the prominent word "Liguria," which is the name of an Italian province, the prominent statement "Italian Lucca Olive Oil," and the design of medals borne on the label were false and misleading since they created the impression that the article was a foreign product; (2) in that the statement "One Gallon" was false and misleading since the article was short volume; (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; (4) in that the label contained representations in a foreign language (Italian) and the statement of the quantity of the contents and the common or usual name of each ingredient, which are required by the act to appear on the label did not appear thereon in the foreign language; and (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On October 26, 1942, the Western Food Corporation having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

## VITAMIN PREPARATIONS

**4242. Adulteration and misbranding of feeding oil. U. S. v. Fish Products Co. Plea of nolo contendere. Fine, $50.** (F. D. C. No. 7679. Sample Nos. 54368–E, 54374–E.)

On September 17, 1942, the United States attorney for the District of Delaware filed an information against the Fish Products Co., a corporation, Lewes, Del., alleging delivery at Lewes on or about October 13 and November 17, 1941, for introduction into the State of New Jersey of quantities of feeding oil that was adulterated and misbranded. The article was labeled in part: (Drum) "Distributed By The Fox Company Smith's Qualadee Finest Quality—Destearinated A and D Feeding Oil."

The article was alleged to be adulterated in that a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statements (drums, shipped October 13, 1941) "100 A. O. A. C. Chick Units Vitamin D Per Gram," and (drums shipped November 17, 1941) "400 A. O. A. C. Chick Units Vitamin D Per Gram," were false and misleading since the product in the former shipment contained not more than 60 A. O. A. C. chick units of vitamin D per gram and that in the latter shipment contained not more than 250 A. O. A. C. chick units of vitamin D per gram.

On October 23, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

**4243. Adulteration and misbranding of Organic Sea Food and O. S. F. vitamin tablets. U. S. v. Organic Sea Products Corporation. Plea of nolo contendere. Fine, $150.** (F. D. C. No. 6500. Sample Nos. 61516–E, 61517–E, 85101–E.)

These products were found to be deficient in declared vitamin content.

On June 15, 1942, the United States attorney for the Northern District of California filed an information against Organic Sea Products Corporation, San Francisco, Calif., alleging shipment on or about July 8 and November 6, 1941, from the State of California into the State of Washington of quantities of Organic Sea Food and vitamin tablets which were adulterated and misbranded. The articles were labeled in part: "Vitamin Enriched Organic Sea Food," or "O. S. F. Vitamin Tablets."

The article labeled "Vitamin Enriched Organic Sea Food" was alleged to be adulterated in that valuable constituents, vitamin A and vitamin D had been in whole or in part omitted or abstracted from it.

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading in that they represented and suggested that it contained not less than 12,750 International Units of vitamin A per ounce and not less than 1,800 International Units of vitamin D per ounce, and that three teaspoonfuls or 10 grams would provide the minimum requirement of vitamins A and D (and in one of the two shipments of $B_1$ and G also), whereas it contained substantially less than 12,750 International Units of vitamin A per ounce, i. e., the two shipments contained not more than 3,200 and 8,000 units, respectively, of vitamin A per ounce, and contained substantially less than 1,800 International Units of vitamin D per ounce, i. e., the two shipments contained not more than 360 units and 900 units, respectively, of vitamin D, and three teaspoonfuls or 10 grams of vitamin-enriched organic sea food per day would not provide the minimum requirement of vitamins A or D (or, as claimed with respect to one of the two shipments, of vitamins $B_1$ and G).

The article labeled "O. S. F. Vitamin Tablets" was alleged to be adulterated in that certain valuable constituents, namely, vitamins A and C had been in whole or in part omitted or abstracted from it.

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading since they represented and suggested that the minimum vitamin content per 3½ grams or 7 tablets was not less than 8,000 International Units of vitamin A and not less than 600 International Units of vitamin C, whereas its minimum vitamin content per 3½ grams or 7 tablets was substantially less than represented, namely, not more than 127 International Units of vitamin A and not more than 283 International Units of vitamin C per 3½ grams or 7 tablets.

On June 27, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $150.

**4244. Adulteration and misbranding of Asco Wheat Puffs. U. S. v. Jenks Food Co. Plea of nolo contendere. Fine $25.** (F. D. C. No. 7227. Sample No. 59067–E.)

On July 8, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Jenks Food Co., a corporation, Chester, Pa., alleging shipment on or about September 30, 1941, from the State of Pennsylvania into the State of Maryland of a quantity of Asco Wheat Puffs which were adulterated and misbranded. The article was labeled in part: "New Vitamin Showered Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal."

It was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement "Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal" was false and misleading since it contained not more than 180 U. S. P. XI units of vitamin D per ounce, and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On October 12, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $25.

**4245. Adulteration and misbranding of coconut milk. U. S. v. 70 Cans Radcliffe's Famous Soya Products. Default decree of condemnation and destruction.** (F. D. C. No. 7136. Sample No. 63220–E.)

This product was a white powder having an odor and flavor of coconut and containing insect fragments and rodent hairs. The ingredient and net weight statements were inconspicuous.

On April 7, 1942, the United States attorney for the Western District of Washington filed a libel against 70 cans of Radcliffe's Famous Soya Products at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about October 4 to November 24, 1941, by Radcliffe's Famous Soya Products from San Francisco, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded (1) in that the statements on the can label, "Famous Soya Products Energy Strength Vitality Tropical Cocoanut Milk Rich in Vitamins and Minerals Radcliffe's Cocoanut Milk * * * For Health Building. Especially indicated for sufferers from Colitis, Under Weight, Weak Stomach, Stomach Ulcers, Nerve Exhaustion, Sleeplessness, Convalescents," were false and misleading since it was not a famous soya product, was not coconut milk, was not rich in vitamins and minerals, and was not especially

indicated in the conditions described; (2) in that it was fabricated from two or more ingredients and its label failed to bear prominently placed thereon the common or usual name of each ingredient and an accurate statement of the quantity of the contents with such conspicuousness (as compared with other words and statements on the label) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and (3) in that it did not purport to be and was not represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear the common or usual name of the food.

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4246. Adulteration and misbranding of Hemo. U. S. v. 19 Cases of Borden's Hemo. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 8022. Sample No. 7303-F.)

On August 1, 1942, the United States attorney for the District of Minnesota filed a libel against 19 cases of the above named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 10 and June 25, 1942, by the Borden Co. from Waukesha, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "Borden's Hemo Vitamin and Mineral Fortified Preparation for Malted Drinks (Chocolate Flavored)."

It was alleged to be adulterated in that the valuable constituents, calcium and phosphorus, had been in whole or in part abstracted or omitted therefrom.

It was alleged to be misbranded in that the statements on the label "Composition by Assay of Chocolate Flavored Hemo per Ounce * * * Calcium 0.564 Gram, Phosphorus 0.690 Gram * * * Each serving (⅔ ounce or 2 heaping teaspoonfuls) contains approximately one-half of the daily minimum requirements of adults for * * * calcium, phosphorus," were false since it contained less than 0.564 gram of calcium per ounce and less than 0.690 gram of phosphorus per ounce, and each serving of ⅔ ounce or 2 heaping teaspoonfuls would contain less than one-half of the minimum daily requirements of adults for calcium and phosphorus.

It was alleged to be misbranded further in that certain statements in the labeling which represented that it is practically impossible to obtain sufficient vitamins and minerals except through the use of the article or a similar one; that convalescents, children, old people, dieting women, and others could assure themselves of their quota of essential vitamins and minerals by its use; that greater vigor and vitality would be the result of its use; and that low resistance, frequent colds, impaired nerves, poor appetite, poor digestion, low energy, faulty bone structure, poor teeth, general weakness, low vitality, nutritional anemia, paleness, and poor bones could be prevented or corrected by its use, were false and misleading since it is not practically impossible to obtain sufficient vitamins and minerals except through the use of such an article, and its use would not produce the results claimed in such statements.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

**4247. Misbranding of Vita Might capsules. U. S. v. 9 Packages of Vita Might Capsules and 2 Cartons of Circulars. Default decree of condemnation and destruction.** (F. D. C. No. 7509. Sample Nos. 80174-E, 80175-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. A portion (black capsules) contained smaller amounts of minerals than declared.

On May 14, 1942, the United States attorney for the Northern District of Ohio, filed a libel against 9 packages of Vita Might Capsules, and 2 cartons each containing approximately 1,500 circulars entitled "What Vitamins on the Job Can Do for You," at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or or about February 28, 1942, by the Vita Foods Corporation from Chicago, Ill.; and charging that it was misbranded.

Examination showed that the product consisted of red capsules containing vitamins and black capsules containing minerals. Analysis of a sample of the black capsules showed that they contained dicalcium phosphate, peptonized iron, magnesium sulfate, manganese hypophosphite, copper peptonate, zinc sulfate, and potassium iodide. Vitamin assays of the red capsules showed that they con-

tained 10,000 U. S. P. units of vitamin A, 1,000 U. S. P. units of vitamin $B_1$, and 1,000 U. S. P. units of vitamin D per capsule.

The article was alleged to be misbranded in that certain statements in the labeling were false and misleading, since they represented and suggested (1) that consumption of the article would result in longer life, in good health, in increased vigor, ambition, and energy, in improved sleep, in lessened fatigue, aches, pains, and nervous strain, in increased resistance to diseases, colds, and coughs, in beautiful teeth, skin and hair, in better digestion of food, in healthy hair and skin, in growth, appetite, and muscular activity, in freedom from skin disorders, and in good blood, fertility, and good teeth; (2) that two out of three individuals are in need of vitamin supplements; and (3) that the vitamin and mineral requirement of man cannot be obtained by consumption of ordinary foods; whereas, consumption of the article would not accomplish such results, two out of three individuals are not in need of a vitamin supplement, and the vitamin and mineral needs of man can be obtained by consumption of ordinary foods.

The article was alleged to be misbranded further in that the black capsules failed to contain the represented amounts of iron, copper, zinc, magnesium, and manganese declared on the label, namely, "Iron ¾ Gr. Copper ⅜ Gr. Zinc 1/25 Gr. Magnesium ⅔ Gr. Iodine 3/2000 Gr. Manganese ⅔ Gr.".

It was alleged to be misbranded further in that statements in the labeling regarding the efficacy of vitamins and minerals to promote healthy hair and skin; prevent night blindness; build resistance to colds, coughs, sinus; promote growth, healthy nerves, appetite, digestion, muscular activity; minimize effects of alcohol; prevent certain skin disorders; heal lesions of lips at angles of mouth, eyes, and nose; promote growth and healing of wounds; prevent anemia, hemorrhage, pyorrhea, tuberculosis, and scurvy; form bones and teeth; prevent rickets; cure certain muscular and nerve diseases; restore color to gray hair; develop red corpuscles; develop hemoglobin; promote normal growth of body cells; influence muscle activity, digestion, and nerves; promote reproduction and growth; prevent goiter; aid heart and blood clotting; build bones and teeth; aid brain cells; promote healthy bones and blood; and promote fertility, were misleading, since the statements created the impression in the mind of the reader that the article was an effective treatment for the symptoms and diseases mentioned and described, whereas it was not an effective treatment for such conditions.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in D. D. N. J. No. 786.

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4248. Adulteration and misbranding of Vi-Penta Drops 'Roche'. U. S. v. 234 Vials of Vi-Penta Drops 'Roche.' Default decree of condemnation and destruction.** (F. D. C. No. 4833. Sample No. 69145–E.)

This product was represented to contain 9,000 U. S. P. units of vitamin A per 0.6 cc. but in fact contained not more than 3,500 U. S. P. units of vitamin A per 0.6 cc.

On May 27, 1941, the United States attorney for the Southern District of New York filed a libel (amended September 16, 1941) against the above-named product at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 22, 1941, by Hoffman-La Roche, Inc., from Nutley, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements (circular) were false and misleading since the article would not be efficacious for such purposes: "Each 10-minim dose of Vi-Penta Drops contains: Vitamin A 9000 U. S. P. Units * * * Indications for Vi-Penta Drops * * * For the normal growth and development of infants or children. In cases of malnutrition, lowered resistance or run-down states. During prolonged illness such as infections, anemias, tuberculosis, typhoid, etc. * * * For gastrointestinal conditions, such as diarrhea, colitis, etc. When restrictions in diet are necessary, as in obesity, diabetes, catarrhal jaundice, etc. Whenever the total food intake must be increased, as in hyperthyroid conditions. For the treatment of certain skin diseases, such as eczema. In certain allergic conditions, such as those due to milk, eggs, wheat, etc. During periods of temporary or persistent vomiting (in infancy, childhood, or pregnancy). In the prophylaxis or treatment of abnormal dentition (or gum and tooth conditions).

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in D. D. N. J. No. 774.

On March 17, 1942, Hoffman-La Roche, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered destroyed.

**4249. Misbranding of Special Formula 833. U. S. v. 130 Bottles of Special Formula 833. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 5956. Sample No. 51636–E.)

On October 4, 1941, the United States attorney for the District of Connecticut filed a libel against 130 bottles of Special Formula 833 at East Hampton, Conn., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Brewer & Co., Inc., from Worcester, Mass.; and charging that it was misbranded.

Biological examination of a sample of the article showed that it contained approximately 1 milligram (333 International units) of vitamin $B_1$ (thiamine chloride) per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading since it would not constitute an adequate or effective treatment for the conditions mentioned nor would it be of especial value for elderly men and women: "Vitamin $B_1$. Deficiency of this valuable vitamin may cause constipation, loss of vigor, various nervous and other important symptoms. This preparation is of especial value to elderly men and women."

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 784.

On June 12, 1942, Brewer & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**4250. Misbranding of cod-liver oil. U. S. v. 1 30-gallon drum of Cod-Liver Oil. Default decree of condemnation and destruction.** (F. D. C. No. 7586. Sample No. 71520–E.)

This product was not cod-liver oil of Pharmacopoeial standard but was off in color and odor and high in free fatty acids. It contained smaller amounts of Vitamin D and Vitamin A than declared on its label.

On May 29, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 1 30-gallon drum of cod-liver oil at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, by the Swiftide Company from Portland, Maine; and charging that it was misbranded. The article was labeled in part: "Swiftide Brand Cod Liver Oil."

The article was alleged to be misbranded in that the name "Cod Liver Oil" and the statements "Guaranteed to Contain not Less Than 200 A. O. A. C. Units Vitamin D," and "Not Less Than 1,000 Units Vitamin A per Gramme," were false when applied to an article that was not cod-liver oil and that contained not more than 100 A. O. A. C. Units of Vitamin D and not more than 700 U. S. P. Units of Vitamin A per gram. The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs reported in D. D. N. J. No. 776.

On June 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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[2] (4239) Consignee held in contempt of court.

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[2] Consignee held in contempt of court.

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[1] Contested seizure.
[4] Contains instructions to the jury.

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[3] Prosecution contested.

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# FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

# NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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4251–4500

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *August 25, 1943.*

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## CEREAL PRODUCTS

### FLOUR

**Nos. 4251 to 4289** report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of contamination was not determined.

**4251. Adulteration of flour. U. S. v. 2 Bags and 10 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8316. Sample Nos. 25217–F and 25218–F.)

On September 12, 1942, the United States attorney for the Eastern District of North Carolina filed a libel against 12 98-pound bags of flour at Washington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 29 to on or about May 8, 1942, by Ballard & Ballard Co., from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Blue Grass [or "Burgundy Rose"] Self-Rising Flour Bleached * * * Pioneer Mills * * * Louisville, Ky."

On December 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4252. Adulteration of flour. U. S. v. 38 Bags of Flour. Default decree of condemnation. Product ordered delivered to claimant to be denatured and used as hog feed.** (F. D. C. No. 8384. Sample No. 25222-F.)

On September 19, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 38 bags, each containing 98 pounds, of flour at Lawrenceville, Va., alleging that the article had been shipped in interstate commerce on or about April 25, 1942, by the Northwestern Elevator & Mill Co., from Mt. Vernon, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Self-Rising Flour OPAL."

On December 11, 1942, no answer having been filed to the libel, judgment of condemnation was entered. On the same day, W. S. Peebles & Co., Inc., Lawrenceville, Va., having filed a claim for the product, the court ordered that the claimant be permitted and authorized to withdraw the 32 bags of flour that were seized on condition that it be denatured and used as hog feed under the supervision of the Food and Drug Administration at the expense of claimant, including court costs.

**4253. Adulteration of flour. U. S. v. 48 Bags and 96 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8594, 8696. Sample Nos. 9662-F, 14545-F.)

On October 16 and November 5, 1942, the United States attorneys for the Western District of Louisiana and the District of Arizona filed libels against 48 48-pound bags of flour at Monroe, La., and 96 24-pound bags of flour at Safford, Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about February 19 to on or about September 14, 1942, by the Sperry Flour Co. from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Log Cabin Bleached Phosphated Flour * * * Distributed by the Colonial Flour Co. * * * Little Rock, Ark.," or " 'Pride of the West' Ramo de Trigo Bleached Flour Portland Flour Mills Co. * * * San Francisco, Cal."

On December 14, 1942, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4254. Adulteration of flour. U. S. v. 500 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for remanufacturing into animal feed.** (F. D. C. No. 8579. Sample No. 9628-F.)

On October 16, 1942, the United States attorney for the Southern District of Alabama filed a libel against 500 98-pound bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by the Whaley Mill & Elevator Co. from Gainesville, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Flour Bleached Big W."

On December 29, 1942, the Whaley Mill & Elevator Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for remanufacturing into animal feed under the supervision of the Food and Drug Administration.

**4255. Adulteration of flour. U. S. v. 1,123 Bags and 279 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond to be disposed of for animal feed or similar use.** (F. D. C. Nos. 8526, 8527. Sample Nos. 8819-F to 8838-F incl.)

On October 6, 1942, the United States attorney for the Middle District of Alabama filed libels against 737 24-pound bags, 560 48-pound bags, and 105 98-pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 3, 1942, to on or about July 21, 1942, portions by Ballard & Ballard Co. from Louisville, Ky., and Nashville, Tenn., and the remainder by the Snell Milling Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kansas Governor," or "Ballard's * * * Bakers Cake," "Sunset," "Balloon," "Safety," "One Forty," "Ballard's B.B.F.," "Obelisk," "Blue Bird," "Burgundy Rose," "Circle," "Favorite [or "South's Favorite"] * * * Flour."

On November 3, 1942, Ballard & Ballard Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be manufactured into feed, reworked, or denatured as required by the Food and Drug Administration.

**4256. Adulteration of flour. U. S. v. 28 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8504. Sample No. 17854–F.)

On October 6, 1942, the United States attorney for the Southern District of New York filed a libel against 28 140-pound bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 4, 1942, by the Aetna Mills, Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Robust Flour."

On December 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4257. Adulteration of flour. U. S. v. 90 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8655. Sample No. 6061–F.)

On October 27, 1942, the United States attorney for the Western District of Arkansas filed a libel against 90 48-pound sacks of flour at DeQueen, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about May 15 to on or about August 7, 1942, by the Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached Flour * * * Milled For and Baking Quality Guaranteed By Washington Flour Mills Washington, Mo."

On December 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4258. Adulteration of flour. U. S. v. 208 Bags and 98 Bags of Flour. Decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 8554. Sample Nos. 9489–F, 9490–F.)

On October 15, 1942, the United States attorney for the Northern District of Mississippi filed a libel against 208 48-pound bags, and 98 12-pound bags, of flour at Clarksdale, Miss., alleging that the article had been shipped in interstate commerce on or about July 4, 1942, by the Abilene Flour Mills Co. from Abilene, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Lite Flake Flour."

On November 6, 1942, judgment of condemnation was entered and it was ordered that the product be released under bond to the claimant, the Delta Grocery & Cotton Co., Clarksdale, Miss., to be denatured for use as animal feed under the supervision of the Food and Drug Administration.

**4259. Adulteration of flour. U. S. v. 30 Sacks and 48 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8215, 8589. Sample Nos. 4436–F, 24035–F.)

On August 24 and October 16, 1942, the United States attorneys for the Eastern District of Virginia and the Southern District of Ohio filed libels against 30 98-pound sacks of flour at Norfolk, Va., and 48 98-pound bags of flour at Ironton, Ohio, which had been consigned on or about May 27 and July 29, 1942, alleging that the article had been shipped in interstate commerce by the Atkinson Milling Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Strongheart Spring Wheat Clear Flour," and "N. W. Special Standard Patent Flour Bleached."

On November 27 and December 15, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4260. Adulteration of flour. U. S. v. 343 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F D. C. No. 8481. Sample No. 17843–F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 343 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 16, 1942, by Black Bros. Flour Mills from Wymore, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Hard Wheat Flour Spangle T. Swezey's Son & Co. New York."

On November 16, 1942, N. T. Swezey's Son & Co., Brooklyn, N .Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and used as poultry or animal feed.

**4261. Adulteration of flour. U. S. v. 89 Bags of Flour. Decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. No. 8556. Sample No. 9492–F.)

On October 15, 1942, the United States attorney for the Northern District of Mississippi filed a libel against 89 24-pound bags of flour at Clarksdale, Miss., alleging that the article had been shipped in interstate commerce on or about March 10, 1941, by the Buhler Mill and Elevator Co. from Buhler, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was unfit for food. The article was labeled in part: "Bleached Flour Snow Beauty Patent."

On November 6, 1942, judgment of condemnation was entered and the product was ordered released under bond to the Planters Wholesale Grocery Co. of Clarksdale, Miss., to be denatured under the supervision of the Food and Drug Administration and disposed of as stock feed.

**4262. Adulteration of flour. U. S. v. 689 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8466. Sample Nos. 9182–F to 9185–F, incl.)

On October 2, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 689 sacks of flour at Morgan City, La., alleging that the article had been shipped in interstate commerce on or about July 30 and August 27, 1942, by the Burrus Mill & Elevator Co. from Fort Worth, Tex.; and charging that it was adulterated in that a portion of the flour contained larvae and another portion contained beetles and larvae. The article was labeled in part: "Special Hard Wheat Flour White Dove."

On November 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4263. Adulteration of flour. U. S. v. 60 Sacks and 240 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8361. Sample Nos. 29025–F, 29026–F.)

On September 17, 1942, the United States attorney for the Northern District of Georgia filed a libel against 60 24-pound sacks and 240 12-pound sacks of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about February 25, 1942, to on or about May 26, 1942, by the Cherokee Mills from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

The article was labeled in part: "Self-Rising Flour Truli-White Packed by Independent Flour Co. Nashville, Tenn.," or "Minute Man Plain Flour Packed by Independent Flour Co. Nashville Tenn."

On December 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was delivered to the penitentiary for use as hog feed.

**4264. Adulteration of flour. U. S. v. 200 Bags, 180 Bags, and 73 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal and stock feed.** (F. D. C. No. 8461. Sample No. 8818–F.)

On September 30, 1942, the United States attorney for the Middle District of Alabama filed a libel against 200 12-pound bags, 180 24-pound bags, and 73 48-pound bags, of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about April 3 to on or about September 2, 1942, by the Chickasha Milling Co., Chickasha, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached Play Day * * * All Purpose Family Flour."

On November 27, 1942, the Sellers Grocery Co., of Montgomery, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended December 16, 1942) and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, for use as stock feed.

**4265. Adulteration of flour. U. S. v. 231 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as poultry or animal feed.** (F. D. C. No. 8490. Sample No. 17837–F.)

On October 6, 1942, the United States attorney for the Eastern District of New York filed a libel against 231 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by the Cannon Valley Milling Co. from Cannon Falls, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a

filthy substance. The article was labeled in part: "Telephone * * * Patent Flour."

On November 20, 1942, Harvey Landau, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of for poultry or animal feed.

**4266. Adulteration of flour. U. S. v. 89 and 16 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 8177, 8202. Sample Nos. 28330–F, 29007–F, 29014–F.)

On August 24 and 25, 1942, the United States attorney for the Northern District of Georgia filed libels against 105 98-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 6, 1942, in part in the name of the Commander Milling Co., and in part in the name of the Commander Flour Mills Co., from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Drum Clear Flour," or "Nokomis Medium Rye Flour Bleached," or "Nokomis White Rye Flour."

On September 22, 1942, the Larabee Flour Mills Co., Atlanta, Ga., having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and disposed of as animal feed.

**4267. Adulteration of flour. U. S. v. 19 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8265. Sample No. 24043–F.)

On August 28, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 19 98-pound sacks of flour at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about May 22, 1942, by the Commercial Milling Co., Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Henkel's Extra Fancy 100% Whole Wheat Flour."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4268. Adulteration of flour. U. S. v. 262 Sacks, 84 Sacks, and 92 Sacks of Flour. Decree of condemnation. Product ordered released under bond for denaturing and use as animal feed.** (F. D. C. No. 8535. Sample Nos. 9482–F, to 9486–F, incl.)

On October 15, 1942, the United States attorney for the Northern District of Mississippi filed a libel against 262 24-pound sacks, 84 48-pound sacks, and 92 12-pound sacks, of flour at Greenwood, Miss., alleging that the article had been shipped in interstate commerce on or about May 8 and July 13, 1942, by the Consolidated Flour Mills Co., of Wichita, Kans., from Winfield, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Mother's Biscuit Fancy Short Patent Self-Rising [or "Phosphated"] Flour."

On November 9, 1942, the Weaver Grocery Co., Greenwood, Miss., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for denaturing and disposition as animal feed, under the supervision of the Food and Drug Administration.

**4269. Adulteration of flour. U. S. v. 47 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8611. Sample No. 17872–F.)

On October 21, 1942, the United States attorney for the Northern District of New York filed a libel against 47 150-pound bags of flour at Cortland, N. Y., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by the Doughnut Corporation of America from Ellicott City, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "LITEFLUF."

On December 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4270. Adulteration of flour. U. S. v. 123 Bags, 51 Bags, and 42 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8604. Sample Nos. 9195–F, 9663–F.)

On October 20, 1942, the United States attorney for the Western District of Louisiana filed a libel against 123 10-pound bags, 51 24-pound bags, and 42

48-pound bags, of flour at Monroe, La., alleging that the article had been shipped in interstate commerce on or about July 10 and August 6, 1942, by the Dodge City Flour Mills, from Dodge City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Stick Candy Fancy Patent Flour Bleached," or "Lynn's White Cake Flour Packed For V. Frank Lynn Co., Inc. Monroe, Louisiana."

On December 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4271. Adulteration of flour. U. S. v. 113 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 8887. Sample Nos. 21541–F, 21570–F.)

On November 18, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 113 98-pound bags of flour at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 22, 1942, by the Eagle Roller Mill Co. from New Ulm, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Gold Coin Pure Light Patent Rye Flour."

On December 14, 1942, the Eagle Roller Mill Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning in conformity with the Food, Drug and Cosmetic Act. It was denatured and disposed of as hog feed.

**4272. Adulteration of flour. U. S. v. 24 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8412. Sample No. 9430–F.)

On September 24, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 24 sacks of flour at McComb, Miss., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by Hacker Flour Mills from Jefferson, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "30% Cut Off Bleached."

On December 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4273. Adulteration of flour. U. S. v. 6 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8540. Sample No. 21534–F.)

On October 7, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 6 98-pound bags of flour at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 13, 1942, by the International Milling Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Robin Hood Medium Whole Wheat Flour."

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4274. Adulteration of flour. U. S. v. 350 Sacks of Flour (and 5 additional seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond for use as animal feed; remainder ordered destroyed or denatured.** (F. D. C. Nos. 8047, 8104, 8187, 8198, 8272, 8273. Sample Nos. 8913–F, 8915–F, 9225–F, 9234–F, 17818–F, 29015–F, 29016–F.)

Between August 5 and 31, 1942, the United States attorneys for the Eastern District of New York, Eastern District of Louisiana, Northern District of Georgia, and the Southern District of Texas filed libels against 350 140-pound sacks of flour at Brooklyn, N. Y., 187 98-pound sacks at Plaquemine, La., 10 98-pound sacks at Baton Rouge, La., 55 140-pound sacks at Atlanta, Ga. ,and 134 98-pound sacks at Houston, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about February 5 to on or about July 7, 1942, by the Larabee Flour Mills Co. from Kansas City and Clinton, Mo., and Hutchinson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Larabee's Champion Flour," "Red Ball Brand * * * Bleached Flour Manufactured For Consolidated Companies, Inc.," "Larabee's Whole Wheat Flour," "Dixie Dream Cookie Flour," or "Bleached G25D."

On September 22 and 25 and October 8, 1942, the Paramount Cruller & Doughnut Co., Inc., Brooklyn, N. Y., and the Larabee Flour Mills Co. and J. Weingarten,

Inc., of Houston, Tex., claimants, respectively, for the product located at Brooklyn, N. Y., Atlanta, Ga., and one of the lots located at Houston, Tex., having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for denaturing and use as animal or chicken feed.

Between October 12 and October 31, 1942, no claimant having appeared for the flour seized at Plaquemine and Baton Rouge, La., and a portion located at Houston, Tex., judgments of condemnation were entered and the product was ordered destroyed with the exception of the lot at Houston, which was ordered denatured and disposed of for purposes other than human consumption under the supervision of the Food and Drug Administration.

**4275. Adulteration of flour. U. S. v. 64 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8572. Sample No. 4433-F.)

On October 14, 1942, the United States attorney for the Southern District of Ohio filed a libel against 64 98-pound bags of flour at Portsmouth, Ohio, alleging that the article had been shipped in interstate commerce on or about July 11, 1942, by the King Midas Flour Mills from Hastings, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Vermilion Flour."

On November 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4276. Adulteration of flour. U. S. v. 161 Bags and 88 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8619, 8660. Sample Nos. 6064-F, 9493-F, 9495-F.)

On October 26 and 30, 1942, the United States attorneys for the Western District of Louisiana and the Western District of Arkansas filed libels against 161 24-pound bags of flour at Lafayette, La., and 88 48-pound bags of flour at Nashville, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about January 19 to on or about August 2, 1942, by the Kimbell Diamond Milling Co. from Wolfe City, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Southern Queen Flour," or (bag) "Diamond Oleander," or "Peerless Fancy Patent * * * Flour."

On January 4 and 18, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. Subsequently the order of destruction entered in the Western District of Arkansas was modified to provide for sale of the product for animal feed.

**4277. Adulteration of flour. U. S. v. 160 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 8460. Sample No. 8817-F.)

On September 30, 1942, the United States attorney for the Middle District of Alabama filed a libel against 160 12-pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about June 27 and August 5, 1942, by the Light Grain & Milling Co. from Liberal, Kans., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Light's Best Flour Bleached."

On November 27, 1942, the Sellers Grocery Co. of Montgomery, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended December 16, 1942) and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration for use as stock feed.

**4278. Adulteration of flour. U. S. v. 79 Bags of Flour (and 4 additional seizure actions against flour). Default decrees of condemnation. Portions of product ordered destroyed. Remainder ordered distributed to charitable institutions for hog and cattle feed.** (F. D. C. Nos. 8190, 8249, 8300, 8301, 8302. Sample Nos. 25214-F, 25215-F, 28644-F, 29019-F to 29021-F, incl.)

Between August 22 and September 3, 1942, the United States attorneys for the Northern District of Florida, Eastern District of North Carolina, and Southern District of Georgia, filed libels against 79 12-pound bags of flour at Marianna, Fla., 17 48- or 98-pound bags of flour at Goldsboro, N. C., 128 24-pound bags of flour at Brunswick, Ga., and 184 98-pound bags of flour at Waycross, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about June 2 to on or about August 21, 1942, by Dixie-Portland Flour Co. from Jacksonville, Fla.; and charging that it was adulter-

ated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Bags) "U-Bak-A * * * Flour * * * Milled for Higginsville Flour Mill Higginsville, Mo."; "Domino High Patent Flour Milled for and baking quality guaranteed by Centennial Flouring Mills Co. Seattle, Washington"; "White Silk [or "Melody Highest Patent "] Milled For and Guaranteed by Washington Flour Mill, Washington, Mo."; "Red Beauty Milled for and guaranteed by Majestic Flour Mill Aurora, Mo."

Between October 26 and December 2, 1942, no claimant having appeared, judgments of condemnation were entered and the flour seized at Marianna and Goldsboro was ordered destroyed, and the flour seized at Brunswick and Waycross was ordered denatured and distributed to charitable institutions for use as hog and cattle feed.

**4279. Adulteration of flour. U. S. v. 128 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 8470. Sample No. 17836-F.)

On October 6, 1942, the United States attorney for the Eastern District of New York filed a libel against 128 140-pound bags of flour at Brooklyn, N. Y., alleging that that the article had been shipped in interstate commerce on or about April 23, 1942, by the National Milling Co., Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Yellowstone High Gluten Flour."

On November 10, 1942, Benjamin and Joseph Kirshman, copartners, trading as Kirshman Bros., New York, N. Y., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration.

**4280. Adulteration of flour. U. S. v. 163 Sacks of Flour. Consent decree of condemnation. Product released under bond for denaturing for use as animal feed.** (F. D. C. No. 8483. Sample No. 17832-F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 163 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by the Northern States Flour Mills Co. from Appleton, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Lady Frances Flour Bleached * * * Packed for Eastern Flour Sales Co. New York, N. Y."

On November 25, 1942, Leo Zeitlin, of New York City, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as animal feed.

**4281. Adulteration of flour. U. S. v. 692 Bags and 9 Bags of Flour (and 2 additional seizure actions against flour). Consent decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. Nos. 8487, 8497, 8498. Sample Nos. 17846-F, 17849-F, 17850-F, 17851-F.)

On October 6, 1942, the United States attorney for the Eastern District of New York filed libels against a total of 858 140-pound bags of flour, and 417 120-pound bags at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about August 25, 1942, by the Philadelphia Macaroni Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Ravena MacFlour Capital Flour Mills, Inc. St. Paul, Minn."

On December 8, 1942, the libels were consolidated into one action, and on December 11, 1942, the Philadelphia Macaroni Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration and disposition for purposes other than human consumption.

**4282. Adulteration of flour. U. S. v. 19 Sacks and 60 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8216. Sample Nos. 24036-F, 24037-F.)

On August 24, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 79 98-pound sacks of flour at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about

February 13 and April 22, 1942, by the Red Wing Milling Co. from Red Wing, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Homestead Flour Bleached."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4283. Adulteration of flour. U. S. v. 5 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8602. Sample No. 21540–F.)

On October 19, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 5 98–pound bags of flour at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 1, 1942, by the Stanard-Tilton Milling Co. from Alton, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in par: (Bag) "American Beauty Whole Wheat Flour."

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4284. Adulteration of flour. U. S. v. 198 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8248. Sample No. 25213–F.)

On September 2, 1942, the United States attorney for the Eastern District of North Carolina filed a libel against 198 24–pound bags of flour at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about December 12, 1941, by J. I. Triplett from Woodstock, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Eveready Self Rising Flour."

On November 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4285. Adulteration of flour. U. S. v. 101 Bags, 59 Bags, and 31 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 8458. Sample No. 8815–F.)

On September 30, 1942, the United States attorney for the Middle District of Alabama filed a libel against 101 6-pound bags, 59 12-pound bags and 31 48–pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, and July 31, 1942, by the Weatherford Milling Co., Inc., from El Reno, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Best On Earth * * * Flour."

On November 27, 1942, the Sellers Grocery Co. of Montgomery, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended December 16, 1942) and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration for use as animal feed.

**4286. Adulteration of flour. U. S. v. 180 Bags of Flour. Default decree of condemnation. Product ordered sold for purposes other than human consumption, or destroyed.** (F. D. C. No. 8157. Sample No. 17383–F.)

On or about August 25, 1942, the United States attorney for the District of Connecticut filed a libel against 180 bags of flour at Meriden, Conn., alleging that the articles had been shipped in interstate commerce on or about July 13, 1942, by Van Vechten Milling Corporation, from Rochester, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Van Vex Pastry Flour."

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the court ordered that the product be sold by the marshal under proper safeguard for purposes other than human consumption, otherwise that it be destroyed.

**4287. Adulteration of flour. U. S. v. 32 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8385. Sample No. 1832–F.)

On September 26, 1942, the United States attorney for the Northern District of Illinois filed a libel against 32 98–pound bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1942, by the Tri-State Milling Co., from Rapid City, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have

become contaminated with filth. The article was labeled in part: (Bags) "Dakota's Best 100% South Dakota Hard Spring Wheat."

On November 12, 1942, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

**4288. Adulteration of flour. U. S. v. 140 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8595. Sample No. 1845–F.)

This product had been stored under conditions favorable to insect-infestation and when examined was found to contain insect larvae and miscellaneous body parts.

On October 20, 1942, the United States attorney for the Northern District of Illinois filed a libel against 140 98-pound bags of flour in possession of the Ward Baking Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 23, 1942, from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Purina Whole Wheat Flour."

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4289. Adulteration of flour. U. S. v. 76 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8109. Sample No. 17819–F.)

This product had been stored after shipment under insanitary conditions and when examined 18 of the 20 bags examined bore rodent urine stains and 3 bags had been gnawed by rodents. Rodent excreta was found on every bag examined.

On August 14, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 76 48-pound bags of flour at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about January 20 and March 26, 1942, from East Buffalo, and Black Rock, N. Y., and that it was in possession of the Scranton Wholesale Grocery; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Gold Medal Vitamin-and-Mineral Enriched Flour."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CORN MEAL

**Nos. 4290 to 4299** report the seizure and disposition of corn meal that was found to be contaminated with one or more types of filth, such as rodent excreta, rodent hair, insects, or insect fragments.

**4290. Adulteration of corn meal. U. S. v. 686 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8565. Sample No. 4339–F.)

On October 12, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 686 10-pound bags of corn meal at Jenkins, Ky., alleging that the article had been shipped in interstate commerce on or about September 21, 1942, by John W. Echelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Eshelman Red Rose White Corn Meal."

On November 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4291. Adulteration of corn meal. U. S. v. 142 Bags of Corn Meal (and 2 other seizure actions against corn meal). Default decrees of destruction.** (F. D. C. Nos. 8473, 8474, 8505. Sample Nos. 4333–F, 4334–F, 4342–F.)

On September 30 and October 3, 1942, the United States attorney for the Eastern District of Kentucky filed libels against 142 10-pound bags and 250 25-pound bags of corn meal at Middlesboro, Ky., and 102 25-pound bags and 33 10-pound bags of corn meal at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about September 11, 12, and 21, 1942, by the Columbus Milling Co. from Columbus, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 23, and 27, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**4292. Adulteration of corn meal. U. S. v. 9 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8268. Sample No. 16818–F.)

On August 27, 1942, the United States attorney for the District of New Jersey filed a libel against 9 bags of corn meal at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by the Davis Milling Company, from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Mayo 100 Lbs. Net Meal."

On December 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4293. U. S. v. 98 Sacks and 32 Sacks of Corn Meal (and 1 other seizure of corn meal). Default decrees of condemnation and destruction.** (F. D. C. Nos. 8502, 8557. Sample Nos. 4343–F, 4350–F, 4351–F.)

On October 3 and 8, 1942, the United States attorney for the Eastern District of Tennessee filed libels against 224 24-pound sacks, 80 12-pound sacks, and 67 10 pound sacks of corn meal at Jellico, Tenn., alleging that the article had been shipped in interstate commerce on or about September 19 and 26, 1942, by the Burnside Milling Co. from Burnside, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. The article was labeled in part: "Perfection Corn Meal," or "Bolted Burr Meal."

On December 3, 1942, no claimant having appeared, judgements of condemnation were entered and the product was ordered destroyed.

**4294. Adulteration of corn meal. U. S. v. 18 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8037. Sample No. 28625–F.)

On August 5, 1942, the United States attorney for the Northern District of Florida filed a libel against 18 96-pound bags of corn meal at Gainesville, Fla., alleging that the article had been shipped in interstate commerce on or about June 10, 1942, by the Meridian Grain & Elevator Co., from Meridian, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Nun Better Meal Electric Rock Ground Old Style Unbolted Corn Meal."

On November 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4295. Adulteration of corn meal. U. S. v. 97 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond for segregating and disposing of the unfit portion for animal feed.** (F. D. C. No. 8536. Sample No. 5631–F.)

On October 6, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 97 100-pound bags of corn meal at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 9, 1942, by the Miller Cereal Mills, Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Creammeal Miller Made Corn Products."

On November 7, 1942, E. Guckenheim Bakers' Supply Co. of St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregating and denaturing the unfit portion and disposing of it as animal feed under the supervision of the Food and Drug Administration.

**4296. Adulteration of corn meal. U. S. v. 120 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8529. Sample No. 4344–F.)

On October 5, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 120 24-pound bags of corn meal at Jellico, Ky., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by the Mountain City Mill Co., from Chattanooga, Tenn.; and charging that it was adulterated, in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Crystal Pearl Corn Meal."

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4297. Adulteration of corn meal. U. S. v. 1,091 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8590. Sample No. 4759–F.)

On October 16, 1942, the United States attorney for the Southern District of Ohio filed a libel against 432 2-pound bags, 400 5-pound bags, 178 10-pound

bags, and 81 25-pound bags, of corn meal at Cincinnati, Ohio, which had been consigned on or about October 12, 1942, alleging that the article had been shipped in interstate commerce by the Richmond Milling & Grain Co., Inc., from Richmond, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Richmond Roller Mills Stone Buhr White Corn Meal."

On November 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4298. Adulteration of corn meal. U. S. v. 189 Bags, 143 Bags, and 245 Bags of Corn Meal. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8378, 8652. Sample Nos. 4319–F, 4364–F.)

On September 17 and October 27, 1942, the United States attorney for the Eastern District of Kentucky filed libels against 189 25-pound bags and 143 10-pound bags of corn meal at Morehead, Ky., and 245 25-pound bags of corn meal at West Liberty, Ky., alleging that the article had been shipped in interstate commerce on or about September 2 and October 19, 1942, by the Rush County Mills from Rushville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Imperial [or "Kentucky's Choice AAAA"] White Corn Meal."

On October 23 and November 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4299. Adulteration of cream meal. U. S. v. 45 Bags and 151 Bags of Cream Meal. Default decree of condemnation and destruction.** (F. D. C. No. 8610. Sample No. 7035–F.)

This product contained rodent excreta and rodent hairs.

On October 19, 1942, the United States attorney for the Western District of Tennessee filed a libel against 45 24-pound bags, and 151 10-pound bags, of cream meal at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 28, 1942, by the West Memphis Wholesale Grocery Co. from Memphis, Tenn., to West Memphis, Ark., and returned to Memphis, Tenn., on or about October 8, 1942; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Honey Suckle Cream Meal Manufactured By Humphreys Mills Memphis, Tenn."

On November 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## BAKERY PRODUCTS

**4300. Adulteration of bakery products. U. S. v. J. B. Carr Biscuit Co. Plea of nolo contendere. Fine, $600, $300 of which was suspended.** (F. D. C. No. 7710. Sample No. 48412–E to 48415–E, incl., 70431–E, 70432–E, 70756–E.)

This product contained hair fragments resembling rodent hairs and miscellaneous insect fragments.

On November 12, 1942, the United States attorney for the Western District of South Carolina filed an information against the J. B. Carr Biscuit Co., a corporation, Greenwood, S. C., alleging shipment within the period from on or about January 3 to on or about March 21, 1942, from the State of South Carolina into the States of North Carolina and Georgia of a quantity of bakery products that were adulterated in that they consisted in whole or in part of filthy substances and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Carr's * * * Boston [or "Evergood"] Cream Sandwich," "Vanilla Wafers," "Carr's Feaston Ginger Snaps," or "Lemon Snaps."

On December 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $600, but ordered that $300 of the fine be suspended on condition that the defendent clean up its place of business within 30 days so that it pass inspection by the Food and Drug Administration. The plant of the defendant was inspected and the result reported to the court, who ordered it accepted.

**4301. Adulteration of vanilla wafers. U. S. v. Murray Bros., Inc. Plea of nolo contendere. Fine $300.** (F. D. C. No. 7730. Sample Nos. 48441–E, 70593–E and 82112–E.)

This product contained rodent hair fragments, and insect fragments.

On November 5, 1942, the United States attorney for the Southern District of Georgia filed an information against Murray Bros., Inc., a corporation, at Augusta,

Ga., alleging shipment in the period from on or about April 22 to on or about June 10, 1942, from the State of Georgia into the States of Florida and South Carolina of a quantity of vanilla wafers that were adulterated in that they consisted in whole or in part of a filthy substance and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Southern Style Vanilla Wafers * * * Georgia-Carolina Cookie Co., Augusta, Georgia, Murray's."

On November 24, 1942, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of $300.

**4302. Adulteration of bakery products. U. S. v. Royal Baking Co. Plea of guilty. Fine, $20.** (F. D. C. No. 7698. Sample Nos. 81855–E, 81857–E, 81858–E, 81859–E, 81861–E, 81863–E, 81868–E, 81870–E, 81872–E to 81876–E, incl.)

Samples of these products were found to contain rodent hairs, cat hairs, insect fragments, pieces of wire, and nondescript dirt.

On October 30, 1942, the United States attorney for the District of Utah filed an information against the Royal Baking Co., a corporation, Salt Lake City, Utah, alleging shipment on or about May 13 and May 21, 1942, from the State of Utah into the State of Colorado of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Royal * * * Caramel Cups," "Chocolate Nut Cups," "Honey Cups," "Cocoanut Cups," "Lemon Chiffon Roll," "Pineapple Slice," "Optimistic Doughnuts," "Wheat Rolls," "Spiced Nut Layer," or "Bear Claws."

On November 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $20.

**4303. Adulteration of bakery products. U. S. v. D. F. Stauffer Biscuit Company, Inc. Plea of nole contendere. Fine of $25 on each of the first 4 counts, imposition of sentence suspended on the last count and defendant placed on probation for 1 year.** (F. D. C. No. 7262. Sample Nos. 89015–E, 89023–E, 89031–E, 89037–E, 89038–E.)

These products were found to contain human hairs, fragments of hairs resembling rodent hairs, insect fragments, chips of paint, and small wood splinters.

On July 22, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against the D. F. Stauffer Biscuit Co., Inc., at York, Pa., alleging shipment within the period from on or about December 26, 1941, to on or about January 26, 1942, from the State of Pennsylvania into the States of New York and New Jersey of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The articles were labeled in part: "Ginger Snaps [or "Animals"] * * * L. M. Baldwin * * * Bronx, N. Y.," "Atlantic Biscuit Co. Inc. Distributors, Brooklyn, N. Y. * * * Alpine," "Flake Sodas [or "Cheese Chips"] * * * Ace Food Products Co., Distributors, Union City, N. J.," or "Vanilla * * * Independent Foods Co., North Bergen, N. J."

On December 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25 on each of the first 4 counts and suspended imposition of sentence on the last count and placed the defendant on probation for 1 year.

**4304. Adulteration of bread. U. S. v. Sam Boscowitz and Rudolph Boscowitz (Star Bakery). Plea of guilty by Rudolph Boscowitz. Fine, $100. Information dismissed as to Sam Boscowitz.** (F. D. C. No. 7687. Sample Nos. 65984–E, 65985–E, 81521–E to 81524–E, incl., 81531–E, 81532–E, 81534–E, 86535–E, 81538–E to 81540–E, inc.)

Samples of this product were found to contain hairs resembling rodent hairs and insect fragments.

On October 8, 1942, the United States attorney for the District of Colorado filed an information against Sam Boscowitz and Rudolph Boscowitz, copartners trading as Star Bakery, Denver, Colo., alleging delivery for shipment within the period from on or about January 22 to on or about January 29, 1942, from the State of Colorado into the States of Wyoming and New Mexico of quantities of bread that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Star Bread."

On November 19, 1942, Rudolph Boscowitz, having entered a plea of guilty, the court imposed a fine of $100 on the first count and dismissed the remaining 3 counts of the information. The court also ordered the case against Sam Boscowitz dismissed.

**4305. Adulteration of bakery products. U. S. v. Amelia B. Woodworth (Becker's Bakery). Plea of nolo contendere. Fine, $500; $400 of fine suspended pending reinspection of plant of defendant.** (F. D. C. No. 7680. Sample Nos. 70772-E, 70774-E, 70775-E, 70782-E, 70784-E, 70851-E.)

These products contained hair fragments resembling those of rodent hairs.

On October 26, 1942, the United States attorney for the Western District of South Carolina filed an information against Amelia B. Woodworth, trading as Becker's Bakery, alleging shipment within the period from on or about April 17 to on or about April 29, 1942, from the State of South Carolina into the States of Georgia and North Carolina of quantities of bakery goods that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Holsum Cake," "Becker's Cakes," or "Becker's Pecan Pie."

On November 23, 1942, the defendant entered a plea of nolo contendere, and on December 2, 1942, the court imposed a fine of $500, but ordered that payment of $400 of the fine be suspended pending reinspection of the plant of the defendant by the Food and Drug Administration. Subsequent to the report of the results of such reinspection the suspension of the $400 of the fine was made permanent.

**4306. Adulteration of cookies. U. S. v. York Cone Co. Plea of nolo contendere. Fine of $25 on each of counts 1 to 4 inclusive; placed on probation for 1 year on count 5.** (F. D. C. No. 7697. Sample Nos. 54565-E, 54738-E, 70363-E, 70364-E, 87894-E.)

This product contained hairs resembling rodent hairs, and a portion contained insect fragments.

On November 16, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against the York Cone Co., a corporation, York, Pa., alleging shipment within the period from on or about February 23 to on or about April 15, 1942, from the State of Pennsylvania into the States of New Jersey, Delaware, Georgia, and North Carolina of quantities of cookies that were adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Malted Milk Flavored Wafers 1¢ York Munchies."

On December 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25 on counts 1 to 4 inclusive and placed the defendant on probation for 1 year on count 5.

**4307. Adulteration of cookies. U. S. v. 13 Cartons and 4 Cartons of Cookies. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8537, 8538. Sample Nos. 19451-F, 19453-F, 19455-F.)

Portions of these products contained insect parts and fragments and rodent hairs.

On October 9, 1942, the United States attorney for the District of Rhode Island filed libels against a total of 17 cartons of cookies at Woonsocket, R. I., alleging that the articles had been shipped in interstate commerce on or about September 17, 1942, by the Golden Cookie Co., from Watertown, Mass.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: (Carton) "Atora Sand. Van. Asst.," "Choc.-Nut Chips," or "Raisin Squares."

On November 5, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4308. Misbranding of cookies. U. S. v. 58 Cartons of Cookies (and 2 additional seizure actions against cookies). Default decrees of condemnation. One lot ordered sold to highest bidder. The remaining lots ordered delivered to charitable institutions.** (F. D. C. Nos. 8947, 8949, 8979. Sample Nos. 29045-F, 22622-F, 22623-F, 18688-F.)

Between December 1 and December 9, 1942, the United States attorneys for the Northern District of Georgia, Eastern District of Pennsylvania, and District of Connecticut filed libels against 58 cartons of cookies at Atlanta, Ga., 64

tins at Philadelphia, Pa., and 234 boxes at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about October 6 to on or about November 19, 1942, by Fashion Bakers from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Charlevoix Assortment * * * 2 Lbs. Nt Wt.," or "Fashion Bakers French Assorted Cookies * * * 12 Oz. Net [or "2½ Lbs. Nt. Wt."]."

The article was alleged to be misbranded (1) in that the statements "12 Oz. Net," "2½ Lbs. Nt Wt.," and "2 Lbs. Nt Wt." were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their containers were so filled as to be misleading since they could have, and to be full weight should have, contained more cookies.

Between December 18, 1942, and March 19, 1943, no claimant having appeared, judgments of condemnation were entered. The portion of the product located at Atlanta, Ga., was ordered sold to the highest bidder, and the lots located at Philadelphia, Pa., and Bridgeport, Conn., were ordered delivered to charitable institutions.

## MISCELLANEOUS CEREAL PRODUCTS

**4309. Adulteration of barley. U. S. v. 60 Sacks of Barley. Default decree of condemnation. Product ordered sold.** (F. D. C. No. 8907. Sample No. 5642–F.)

This product contained beetles, larvae, cast skins, and insect fragments.

On November 21, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 60 100-pound sacks of barley at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Quaker Oats Co. from Cedar Rapids, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Spec. Chester Barley."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that it should not be disposed of in violation of law. It was ground into animal feed.

**4310. Adulteration of gelatinized corn and rice flour. U. S. v. 9 Bags of Dusting Gelatinous No. 146 Compound and 8 Bags of No. 146 Griffith's Gelatinized Compound. Default decree of condemnation and destruction.** (F. D. C. No. 8702. Sample Nos. 4675–F, 4676–F.)

Samples of this product were found to contain insect fragments, larvae, and beetles.

On November 4, 1942, the United States attorney for the Northern District of Ohio filed a libel against 17 bags of the above-described product, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 24 and October 9, 1942, by Griffith Laboratories, Inc., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled, in part: "Gelatinous Processed From Select [or "Selected"] Maize and Rice."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4311. Adulteration of rice flour. U. S. v. 20 Bags of Rice Flour. Default decree of condemnation and destruction.** (F. D. C. No. 8315. Sample No. 18006–F.)

This product contained beetles, larvae, and larva casts.

On September 4, 1942, the United States attorney for the District of New Jersey filed a libel against 20 100-pound bags of rice flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 30 and August 21, 1942, by Stein, Hall & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hallmark Rice Flour."

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4312. Adulteration of rye flour, rye-wheat flour, and rye meal. U. S. v. 118 Bags of Flour and Meal. Consent decree of condemnation. Products ordered released under bond for reconditioning.** (F. D. C. No. 8558. Sample Nos. 21535–F to 21539–F, incl.)

The rye meal contained weevils, and the flour contained weevils and larvae.

On October 9, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 118 bags of flour and meal at Pittsburgh, Pa.,

alleging that the articles had been shipped in interstate commerce on or about February 24 and July 14, 1942, from Janesville, Wis., by Frank H. Blodgett, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pure Rock River Rye Meal," "Bismarck Wisconsin Rye-Wheat Jesse C. Stewart Co. Distributors, Penn.," "Wisconsin Bleached Pure Rye," or "Pure Patent Wiscogett White Rye Flour Bleached."

On November 9, 1942, Jesse C. Stewart Co., Pittsburgh, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for reconditioning and salvage. The products were mixed with other feeds and disposed of as feed for animals.

**4313. Adulteration of soybean flour. U. S. v. 44 Sacks of Kellogg's Soyflake Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed.** (F. D. C. No. 8503. Sample No. 5632–F.)

This product contained beetles, moths, larvae, and insect fragments.

On October 3, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 44 100-pound sacks of flour at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 26 and September 24, 1941, by Spencer Kellogg & Sons, Inc., from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 7, 1942, E. Guckenheim Bakers' Supply Co. of St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration, for use as animal feed.

**4314. Adulteration and misbranding of macaroni. U. S. v. 32 Packages and 6½ Cartons of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 8456. Sample Nos. 17334–F, 17335–F.)

On September 30, 1942, the United States attorney for the District of New Jersey filed a libel against 32 packages and 6½ cartons, each containing 20 packages, of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 9, 1942, by Vittoria Macaroni Co. from Maspeth, Long Island, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Package) "Vittoria Fusilli Col-Buco * * * Macaroni," (stickers) "Egg-Principessa," or "Egg-Fusillini."

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a filthy substance, insect fragments; (2) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (3) in that artificially colored alimentary paste, deficient in egg solids, had been substituted in whole or in part for egg alimentary paste which it purported to be; (4) in that inferiority had been concealed by the addition of artificial color; (5) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (6) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The article was alleged to be misbranded in that the names "Egg-Principessa," and "Egg Fusillini," were false and misleading as applied to alimentary paste deficient in egg solids and artificially colored.

On December 11, 1942, no claimant having appeared. judgment of condemnation was entered and the product was ordered destroyed.

**4315. Adulteration of egg noodles. U. S. v. 242 Cases and 366 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 8657. Sample Nos. 24471–F, 24472–F.)

This product contained beetles and larvae.

On October 28, 1942, the United States attorney for the District of Maryland filed a libel against 242 cases, each containing 24 8-ounce cellophane bags, and 366 cases, each containing 12 1-pound cellophane bags, of egg noodles at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about March 31, 1941, to on or about March 9, 1942, by the Vimco Macaroni Products Co. from Carnegie, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fairdale Pure Egg Noodles. Manufactured By S. Viviano Macaroni Mfg. Co. Carnegie, Pa."

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4316. Adulteration and misbranding of egg noodles. U. S. v. 147 Cases of Egg Noodles. Default decree of condemnation. Product ordered delivered to a State institution.** (F. D. C. No. 8634. Sample No. 4288–F.)

This product contained less than 5½ percent egg solids.

On October 23, 1942, the United States attorney for the Southern District of Indiana filed a libel against 147 cases, each containing 12 bags of egg noodles, at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about September 15 and September 24, 1942, by Mrs. Kelley's Noodle Kitchen from Dayton, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Bag) "E Brand * * * Eavey's Pure Egg Noodles."

The article was alleged to be adulterated in that a valuable constituent, egg, had been wholly or in part omitted therefrom; and in that a substance deficient in egg solids had been substituted wholly or in part for egg noodles, which the article purported and was represented to be.

It was alleged to be misbranded in that the statement "Pure Egg Noodles," was false and misleading as applied to an article that was deficient in egg solids, and in that it was offered for sale under the name of another food, egg noodles.

On December 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 13, 1943, this judgment was amended to order the product delivered to a State institution instead of being destroyed.

**4317. Adulteration of egg noodles. U. S. v. 93 Cases, 14 Cases and 8 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 8450, 8687. Sample Nos. 14240–F, 14546–F, 14547–F.)

This product contained beetles, larvae, insect fragments, and excreta pellets.

On October 1 and November 4, 1942, the United States attorney for the District of Arizona filed libels against 107 cases, each containing 12 1-pound bags, and 8 cases, each containing 24 8-ounce packages, of egg noodles at Phoenix and Safford, Ariz., alleging that the article had been shipped in interstate commerce on or about March 21 and July 13, 1942, by the Fontana Food Products Co. from South San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fontana's Egg Noodles."

On November 30 and December 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4318. Adulteration of cereal binder. U. S. v. 16½ Barrels of Cereal Binder. Default decree of condemnation and destruction.** (F. D. C. No. 8413. Sample No. 4422–F.)

This product contained weevils, larvae, and insect fragments.

On September 24, 1942, the United States attorney for the Southern District of Ohio filed a libel against 16½ barrels, each containing 250 pounds, of cereal binder at Cincinnati, Ohio, which had been consigned on or about August 14 and 20, 1942, alleging that the article had been shipped in interstate commerce by the Griffith Laboratories, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Griffith's Golden Cereal Binder Fine."

On November 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANDY, SUGAR, AND CHOCOLATE PRODUCTS

### CANDY

**Nos. 4319 to 4329** report the disposition of legal actions involving candy found to be contaminated with one or more types of filth, such as rodent pellets, rodent hairs, hairs resembling rodent hairs, insects, or insect fragments.

**4319. Adulteration of candies. U. S. v. Emanuel M. Frangos (Jane Louise Candies). Plea of guilty. Fine, $300.** (F. D. C. No. 7692. Sample Nos. 1153–E, 59891–E, 87798–E.)

On October 13, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Emanuel M. Frangos, trading as

Jane Louise Candies at Lancaster, Pa., alleging shipment on or about March 7 and April 27, 1942, from the State of Pennsylvania into the State of Maryland and the District of Columbia of quantities of candies which were adulterated. Portions of the article were labeled in part: "Lady Jane Chocolates," or "Ye Olde Colonial Assorted Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, since it contained rodent hairs, insects, and insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 16, 1942, the defendant entered a plea of guilty and the court imposed a fine of $300.

**4320. Adulteration of candy. U. S. v. Jobbers Candy Company, Inc. Plea of guilty. Fine $200.** (F. D. C. No. 7667. Sample Nos. 59654–E, 59664–E to 59666–E incl. and 79032–E.)

On November 9, 1942, the United States attorney for the Western District of Virginia filed an information against the Jobbers Candy Co., Inc., a corporation, at Bristol, Va., alleging shipment within the period from on or about September 5 to on or about September 11, 1941, from the State of Virginia into the States of West Virginia and Kentucky of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Merry Christmas Stick," "Virginia Beauty Brand," or "Colonial Brand Pure Stick Candy."

On November 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

**4321. Adulteration of candy. U. S. v. Buren McGilvary Bennett. (Empire State Candy Co.) Plea of guilty. Fine $300.** (F. D. C. No. 7305. Sample Nos. 48403–E, 70437–E, 70452–E.)

On August 4, 1942, the United States attorney for the Middle District of Georgia filed an information against Buren McGilvary Bennett, trading as the Empire State Candy Co., at Athens, Ga., alleging shipment in the period from on or about March 12 to on or about March 25, 1942, from the State of Georgia into the State of South Carolina, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Empire State's Cocoanut Roll [or "Mint Braid," "Peanut Brittle," "Caramel Cocoanut," "Pineapple Cocoanut," "Rainbow Cocoanut," "Peanut Roll," "Jack Pot," or "Chocolate Fudge"]."

On November 13, 1942, the defendant entered a plea of guilty and the court imposed a fine of $300.

**4322. Adulteration of candy. U. S. v. San-Man Chocolates Co. and William W. Cummings and Everett Buck. Plea of guilty. Fine of $50 against the corporation and $25 against each individual defendant.** (F. D. C. No. 5575. Sample Nos. 40805–E, 40806–E, 51082–E, 51303–E, 51509–E, 69038–E, 69135–E.)

On December 8, 1942, the United States attorney for the District of Massachusetts filed an information against the San-Man Chocolates Co., a corporation, Boston, Mass., and William W. Cummings and Everett Buck, officers of the corporation, alleging shipment within the period from on or about January 9 to on or about May 6, 1941, from the State of Massachusetts into the States of Maine, New York, Pennsylvania, New Jersey, Vermont, and Rhode Island, of quantities of candy that was adulterated. Portions of these shipments were made in the name of the Romance Chocolates Co. The article was labeled in part: "'Brick Top' Caramel Pops," "Honey Caramel Circles By Romance," "Bouquet of Sweets," "Rosella Chocolates," "Miss Ann's Assorted Chocolates," or "San-Man Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 22, 1942, pleas of guilty having been entered on behalf of the defendant corporation, and by the individual defendants, the court imposed a fine of $50 against the corporation and a fine of $25 against each of the individual defendants.

**4323. Adulteration of candy. U. S. v. Loose-Wiles Biscuit Co. Plea of guilty. Fine, $250.** (F. D. C. No. 7720. Sample Nos. 93241–E, 93243–E to 93245–E, incl.)

On October 27, 1942, the United States attorney for the District of Oregon filed an information against the Loose-Wiles Biscuit Co., a corporation, Portland, Oreg., alleging shipment on or about May 25, 1942, from the State of Oregon into the State of Washington of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sunshine * * * Peanut Clusters [or "Chocolate Chips," "Jumbo Gum," or "Commercial Chocolates"]."

On December 31, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

**4324. Adulteration of candy. U. S. v. California Peanut Co. Plea of guilty. Fine, $150.** (F. D. C. No. 7734. Sample Nos. 45488–E, 93451–E, 93549–E, 93552–E, 93553–E, 95128–E, 95129–E.)

On November 20, 1942, the United States attorney for the Northern District of California filed an information against the California Peanut Co., a corporation, at Oakland, Calif., alleging shipment within the period from on or about April 2 to on or about June 3, 1942, from the State of California into the States of Washington and Nevada of quantities of candy that was adulterated. The article was labeled in part: "Panned Chocolate Fruit & Nut Mix," "Panned Lgt Chocolate Malted Milk Balls," "Crispy Peanut Cubes," "Light Sweet Chocolate Peanut Clusters," or "Spanish Peanut Brittle."

Portions of the article were alleged to be adulterated in that they consisted in whole or in part of filthy substances. All shipments were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On December 3, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150.

**4325. Adulteration of candy. U. S. v. Perry Gay Havnaer (Spartan Candy Manufacturing Co.). Plea of nolo contendere. Judgment suspended.** (F. D. C. No. 7683. Sample Nos. 48410–E, 48440–E, 70765–E.)

On October 6, 1942, the United States attorney of the Western District of North Carolina filed an information against Perry Gay Havnaer, trading as Spartan Candy Manufacturing Co., at Hickory, N. C., alleging shipment within the period from on or about March 4 to on or about April 11, 1942, from the State of North Carolina into the States of South Carolina and Virginia of quantities of candy that was adulterated. The article was labeled in part: "Pure Sugar Peppermint," "Tasty Sweet," "Lemon Bar," "Pecoe," "Cocoanut Pecoe," "Rainbow," "Two-Tone Bar," "Cocoanut Bar," "Peppermint Bar," or "Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance since it contained hair fragments resembling rodent hairs, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 26, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $50 on the first count and ordered that sentence on the remaining counts be continued until the next term of court. On October 27, 1942, the case was recalled as to count 1 and the fine theretofore imposed was stricken and the case was put over to the April 1943 term of Court. On April 26, 1943, the case was again called and upon a showing by the defendant through counsel that he had gone out of business, judgment was suspended.

**4326. Adulteration of candy. U. S. v. 85 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8200. Sample Nos. 24624–F, 24625–F.)

On August 24, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 85 boxes of candy at Hampton, Va., alleging that the article had been shipped in interstate commerce on or about July 28 and July 30, 1942, by Schingen Candies from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have been contaminated with filth.

The article was labeled in part: "80 Count Tourraine Brand Play Boys."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4327. Adulteration of candy. U. S. v. 64 Boxes, 66 Boxes, 74 Boxes, and 11 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8925. Sample Nos. 25297–F to 25299–F incl.)

On November 27, 1942, the United States attorney for the District of Maryland filed a libel against 141 5-pound boxes, and 74 2½-pound boxes of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 16 to on or about October 28, 1942, by Jane Louise Candies from Lancaster, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Jelly Nut Rolls," "Maple Nut Rolls," or "Ye Olde Colonial Chocolates Assorted Chocolates and Bon-Bons."

On December 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4328. Adulteration of candy. U. S. v. 24 Boxes and 44 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8454, 8455. Sample Nos. 22491–F, 22922–F.)

On September 30, 1942, the United States attorney for the District of New Jersey filed a libel against 24 boxes, and 44 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about August 13, to on or about September 3, 1942, by F. M. Paist Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "200 Count Pals 2 for 1¢," or "120 Pieces 1¢ each The Original and Only Pinwheels."

On December 21, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4329. Adulteration of candy. U. S. v. 12 Boxes and 13 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 9052. Sample Nos. 18461–F, 18465–F.)

On or about December 28, 1942, the United States attorney for the District of New Jersey filed a libel against 12 boxes, each containing 120 pieces, of candy, and 13 boxes, each containing 5 pounds, of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by Henry Heide, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "120 Pieces Candy 1¢ each Giant Americans," or "Diamond Brand Licorice Gum Drops."

On March 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4330. Adulteration and misbranding of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8148. Sample No. 17766–F.)

The coating of this product contained cocoa and coconut oil instead of sweet chocolate as listed in the ingredient statement. The candy bars were short of the declared weight.

On August 18, 1942, the United States attorney for the District of New Jersey filed a libel against 25 boxes, each box containing 100 bars, of candy at Belleville, N. J., alleging that the article had been shipped in interstate commerce on or about July 27, 1942, by Mason, Au & Magenheimer Confectionery Manufacturing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (bars) "Mason's Hawaii."

The article was alleged to be adulterated in that cocoa and coconut oil had been substituted wholly or in part for sweet chocolate, which was listed on the label as an ingredient.

The article was alleged to be misbranded in that the statement "Sweet Chocolate," in the list of ingredients, was false and misleading as applied to an article containing cocoa and coconut oil. The article was alleged to be misbranded further in that it was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the statement "1¾ Ozs. Net. Weight," borne on the label was incorrect.

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4331. Misbranding of candy. U. S. v. 21 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 8406. Sample No. 12846–F.)

On September 23, 1942, the United States attorney for the District of Oregon filed a libel against 21 cases, each case containing 36 packages, of candy, at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Honeycrisp Candy Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Honeycrisp Candy Peanut Butter Toasties * * * 12 ozs. net."

It was alleged to be misbranded (1) in that the designation "Honeycrisp" was false and misleading as applied to an article containing little or no honey; (2) in that its container was so filled as to be misleading since the contents occupied only between 71 and 72 percent of its capacity; and (3) in that the statement of the quantity of the contents required to appear on the label was not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, as to render it likely to be read by an ordinary individual under customary conditions of purchase.

On November 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## SUGAR

**4332. Adulteration of sugar. U. S. v. 137 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for remanufacturing or re-refining.** (F. D. C. No. 8854. Sample No. 9750–F.)

This product had been stored under insanitary conditions after shipment. When examined, rodent pellets were found on the bags, and many bags contained yellow stains, apparently rodent urine. Samples of sugar taken from the bags were contaminated with urine.

On November 11, 1942, the United States attorney for the Southern District of Alabama filed a libel against 137 100–pound bags of sugar in possession of the McGraw Candy Co., Mobile, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 14 to on or about June 20, 1942, from Havana and Matanzas, Cuba, and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hershey's Pure Cane Sugar Granulated Made in Central Hershey, Cuba."

On December 11, 1942, the McGraw Candy Co., of Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-refining under the supervision of the Food and Drug Administration.

**4333. Adulteration of sugar. U. S. v. 76 Bags of Sugar. Consent decree of condemnation. Product released under bond for reconditioning under the supervision of the Food and Drug Administration.** (F. D. C. Nos. 8165, 8166. Sample Nos. 4037–F, 4615–F.)

This product had been stored under insanitary conditions after shipment. When the sugar was examined rodent pellets were found on and around the bags, and numerous bags contained rodent urine stains.

On August 20, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 76 100-pound bags of sugar in the possession of Ragland Brothers & Co. at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about June 11 to July 17, 1942, from Reserve, La., and Pensacola, Fla.; and charging that it was adulterated in that it consisted of a filthy, putrid, or decomposed substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Godchaux's [or "Snow White"] Pure Cane Sugar."

On December 12, 1942, Ragland Brothers & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought in compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of in the manufacture of adhesives.

**4334. Adulteration of sugar. U. S. v. 450 Bags of Cane Sugar. Product ordered released under bond for re-refining.** (F. D. C. No. 8539. Sample No. 9013–F.)

This product had been stored under insanitary conditions after shipment. When the sugar was examined it contained rodent hair fragments, beetles, insect parts, and miscellaneous filth.

On October 7, 1942, the United States attorney for the Eastern District of Texas filed a libel against 450 100-pound bags of sugar in possession of T. L. Brice Co., Sherman, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about February 18 to on or about April 25, 1942, from Shreveport, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Cane River Brand Pure Cane Granulated Sugar Distributed by J. D. Plilar Company, Inc. Shreveport, Louisiana."

On November 19, 1942, the T. L. Brice Co., having appeared as claimant, judgment was entered ordering that the product be released under bond for re-refining under the supervision of the Food and Drug Administration.

## CHOCOLATE PRODUCTS

**4335. Adulteration of chocolate coating. U. S. v. 90 Bags of Chocolate Coating. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law.** (F. D. C. No. 8414. Sample No. 4283–F.)

This product had been stored under insanitary conditions after shipment. When examined it was found to contain rodent hairs, insect webbing, and insect excreta. Rodent teeth marks were found on the samples examined and mouse pellets and other evidence of rodent infestation were found.

On September 24, 1942, the United States attorney for the Northern District of Ohio filed a libel against 90 bags of light chocolate coating at Kenton, Ohio, alleging that the article had been shipped in interstate commerce on or about February 5, 1941, from Elizabethtown, Pa., and that it was in possesion of the Runkle Co., Kenton, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been stored and held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "200 Lbs. Net Klein's Special Light Chocolate Coating."

On October 29, 1942, the Runkle Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**4336. Adulteration of chocolate sirup. U. S. v. 99 Cases of Chocolate Sirup. Default decree of condemnation and destruction.** (F. D. C. No. 8465. Sample No. 12418–F.)

This product was fermented and decomposed.

On October 1, 1942, the United States attorney for the Western District of Washington filed a libel against 99 cases, each case containing 24 jars, of chocolate sirup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 10, 1942, in a pool car shipment for the Fireside Marshmallow Mfg. Co., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Fireside Topping Chocolate."

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4337. Adulteration of chocolate coating. U. S. v. 20 Cases of Chocolate Coating. Default decree of condemnation and destruction.** (F. D. C. No. 8532. Sample No. 12862–F.)

This product contained rodent-type hairs and insect fragments.

On October 8, 1942, the United States attorney for the District of Oregon filed a libel against 20 50-pound cases of chocolate coating at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Washington Chocolate Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**4338. Adulteration of butter. U. S. v. William R. Perry. (W. R. Perry.) Plea of nolo contendere. Fine $100.** (F. D. C. No. 7750. Sample No. 92065–E.)

This product was rancid and decomposed.

On November 28, 1942, the United States attorney for the Southern District of California filed an information against William R. Perry, trading as W. R. Perry, at Los Angeles, Calif., alleging shipment on or about April 20, 1942, from the State of California into the State of Oregon, of a quantity of butter that was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 14, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $100.

**4339. Adulteration of butter. U. S. v. Model Dairy Incorporated. Plea of guilty. Fine $70.** (F. D. C. No. 7308. Sample Nos. 86944–E, 62391–E.)

On November 16, 1942, the United States attorney for the District of Minnesota filed an information against the Model Dairy, Inc., a corporation, at Mankato, Minn., alleging shipment on or about January 3 and April 4, 1942, from the State of Minnesota into the State of Illinois of quantities of butter that was adulterated. The article was labeled in part: (Boxes) "Beatrice Creamery Company, Chicago, Ill."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 16, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $70.

**4340. Adulteration of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation. Product ordered delivered to the War Production Board for salvage purposes.** (F. D. C. No. 8521. Sample Nos. 27449–F to 27451–F, incl.)

On September 16, 1942, the United States attorney for the Western District of Texas filed a libel against 15 30-pound cases of butter at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about September 9, 1942, by the Trinidad Creamery Co. from Clovis, N. M.; and charging that it was adulterated, in that the product consisted in whole or in part of a filthy substance as evidenced by the presence of insect parts, rodent hairs, plant fiber, and nondescript dirt. The article was labeled in part: "Colorado Gold Brand Our None Nicer Creamery Butter."

On October 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered to be turned over to the Salvage Unit of the Conservation Division of the War Production Board.

**4341. Adulteration of butter. U. S. v. 300 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be made into refined butter oil, under the supervision of the Food and Drug Administration.** (F. D. C. No. 8512. Sample No. 1515–F.)

This product contained insects and insect fragments.

On August 21, 1942, the United States attorney for the Northern District of Illinois filed a libel against 300 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 21, 1942, by Frank Pilley & Sons, Inc., from Sioux City, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 20, 1942, Frank Pilley & Sons, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rendered into refined butter oil under the supervision of the Food and Drug Administration.

**Nos. 4342 to 4349** report actions on butter made from decomposed cream as evidenced by mold.

**4342. Adulteration of butter. U. S. v. 25 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be rendered into butter oil.** (F. D. C. No. 8588. Sample No. 19652–F.)

In addition to mold, this product contained mites, insect parts, fragments of rodent hair, feathers, and miscellaneous dirt.

On September 30, 1942, the United States attorney for the District of Massachusetts filed a libel against 25 32-pound cartons of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 17, 1942, by the Fairmont Creamery Co. from Sioux City, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Cartons) "Sweet Clover Brand Butter."

On November 16, 1942, the Fairmont Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

**4343. Adulteration of butter. U. S. v. 41 Cartons of Butter. Consent decree of condemnation. Product ordered delivered to New York Salvage Committee for war purposes.** (F. D. C. No. 8124. Sample No. 17004–F.)

On August 3, 1942, the United States attorney for the Southern District of New York filed a libel against 41 63-pound cartons of butter at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, by the Omaha Cold Storage Co. from Omaha, Nebr., and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Douglas Brand Sweet Butter * * * Distributed by Bellevue Creamery & Produce Company, Omaha, Nebraska."

On November 12, 1942, the Bellevue Creamery and Produce Co. of Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to the New York City Salvage Committee to be used for technical war purposes.

**4344. Adulteration of butter. U. S. v. 7 Cases of Butter. Decree of condemnation. Product ordered destroyed.** (F. D. C. No. 8585. Sample No. 2714–F.)

On September 3, 1942, the United States attorney for the District of Kansas filed a libel against 7 cases, each containing 32 1-pound prints of butter, at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by the Holden Creamery Co. from Holden, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Parchment wrappers) "Clear Brook Creamery Butter. * * * Distributors Wilson & Co."

On September 11, 1942, Wilson & Co., Kansas City, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed in such manner as would best serve the public interest. It was converted into grease for technical uses.

**4345. Adulteration of butter. U. S. v. 42 Cases of Butter. Default decree of condemnation. Product ordered sold by marshal.** (F. D. C. No. 8546. Sample No. 21301–F.)

On September 21, 1942, the United States attorney for the Western District of New York filed a libel against 42 30-pound cases of butter at Jamestown, N. Y., alleging that the article had been shipped in interstate commerce on or about September 9, 1942, by the Farmers Marketing Association from Columbus, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Cassadaga Valley Brand * * * Butter. Distributed By Jamestown Cold Storage Co., Inc., Jamestown, N. Y."

On October 21, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold by the marshal at public sale according to law. It was sold to the local representative of the Fat Salvage Unit of the War Production Board.

**4346. Adulteration of butter. U. S. v. 288 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be made into refined butter oil.** (F. D. C. No. 8542. Sample No. 1532–F.)

On September 15, 1942, the United States attorney for the Northern District of Illinois filed a libel against 288 63-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 2, 1942, by the Plymouth Creamery from Le Mars, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 26, 1942, L. D. Schreiber & Co., Inc., of Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into butter oil under the supervision of a representative of the Food and Drug Administration.

**4347. Adulteration of butter. U. S. v. 24 Boxes of Butter. Default decree of condemnation. Product ordered sold for nonfood purposes.** (F. D. C. No. 8204. Sample No. 1504–F.)

On July 27, 1942, the United States attorney for the Northern District of Illinois filed a libel against 24 30-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by the Emma Creamery Co. from Emma, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Goldendale."

On November 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that its fat content be disposed of for nonfood purposes.

**4348. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation. Product ordered sold by marshal.** (F. D. C. No. 8544. Sample No. 4655–F.)

In addition to being deficient in milk fat, this product contained mold.

On September 23, 1942, the United States attorney for the Northern District of Ohio filed a libel against 1 carton, containing 32 1-pound rolls, and 1 carton containing 16 2-pound rolls, of butter at Massillon, Ohio, alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by Schlosser Bros. from Frankfort, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Country Maid."

On November 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold by the marshal. It was sold to a rendering plant to be converted into inedible fat.

**4349. Adulteration of butter. U. S. v. 13 Cartons of Butter (and 4 additional seizure actions against butter). Consent decrees of condemnation. Product ordered released under bond, portions to be reworked and remainder to be refined into butter oil, or neutral oil.** (F. D. C. Nos. 8213, 8328, 8408, 8511, 8513. Sample Nos. 1503–F, 1507–F, 1521–F, 19491–F, 19642–F.)

Portions of this product contained mold, other portions were deficient in milk fat, and in one lot both conditions were found.

Between July 27 and September 1, 1942, the United States attorneys for the District of Massachusetts, Northern District of Illinois, and District of New Hampshire, filed libels against 13 cartons of butter at Brockton, Mass., 387 boxes of butter at Chicago, Ill., 13 cartons and 47 cartons of butter at Nashua, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about July 6 to on or about August 19, 1942, by the Cudahy Packing Co. from Washington Court House, Ohio, South Omaha, Nebr., Nashville, Tenn., and Fairmount, N. Dak.; and charging that it was adulterated. Portions of the article were labeled in part: "Daisy Maid Creamery Butter."

Portions of the article were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. One of the lots was low in milk fat and all of the remaining lots consisted in whole or in part of a filthy, putrid, or decomposed substance.

Between August 18 and October 23, 1942, the Cudahy Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the portions that were low in milk fat only be reworked and that the remaining lots be refined into butter oil or neutral oil, under the supervision of the Food and Drug Administration.

**Nos. 4350 to 4354 (also 4348 and 4349)** report actions based on shipments of butter that was found to be deficient in milk fat.

**4350. Adulteration of butter. U. S. v. 8 and 11 Tubs of Butter. Decrees of condemnation. Product ordered released under bond for reworking.** (F. D. C. Nos. 8517, 8577. Sample Nos. 10702–F, 10735–F.)

On August 26 and September 26, 1942, the United States attorney for the Northern District of California filed libels against a total of 19 65-pound tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 20 and 28, 1942, by the Borden Co. from West Branch, Mich.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 2, 1942, B. J. Holmes, doing business as B. J. Holmes Sales Co. at San Francisco, Calif., appeared as claimant. Judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**4351. Adulteration of butter. U. S. v. 171 Cartons of Butter. Decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8625. Sample No. 10739–F.)

On October 12, 1942, the United States attorney for the Northern District of California filed a libel against 171 54-pound cartons of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by Miles Friedman, Inc., from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 21, 1942, the Wilsey Bennett Co., of San Francisco, Calif., claimant, having appeared, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**4352. Adulteration of butter. U. S. v. 66 Cubes, 28 Cubes, and 50 Cubes of Butter. Decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 8675, 8705. Sample Nos. 10768–F, 10775–F, 10778–F.)

On October 15 and 22, 1942, the United States attorney for the Northern District of California filed libels against 144 60-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by Morris Co. from Chicago, Ill., on or about September 25 and 29, 1942; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Manufactured by Bowman Dairy Co. Nichols Wis."

On November 4, 1942, Armour and Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked with the exception of such portions as might be found by the Food and Drug Administration to conform with the law without such reworking.

**4353. Adulteration of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8587. Sample No. 10738–F.)

On October 6, 1942, the United States attorney for the Northern District of California filed a libel against 5 66-pound tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 19, 1942, by Hunter Walton Co., Duluth, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On November 17, 1942, George Makins, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**4354. Adulteration of butter. U. S. v. 4 Cubes (272 Pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 8930. Sample Nos. 12169–F, 12172–F.)

On October 28, 1942, the United States attorney for the Western District of Washington filed a libel against 4 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 21, 1942, by the Golden Grain Creamery from Lewiston, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "T. B. Klock & Co. Seattle, Wash."

On October 31, 1942, the Golden Grain Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

## CHEESE

**Nos. 4355 to 4371** report legal actions involving cheese. Samples examined were found to be contaminated with one or more types of filth, such as rodent, cat or human hairs, insect fragments, wood and metal fragments, maggots, or mold.

**4355. Adulteration of cheese. U. S. v. Frank Nevoso (La Marca Cheese Co.). Plea of nolo contendere. Sentenced to 6 months imprisonment. Sentence suspended and defendant placed on probation for 2 years.** (F. D. C. No. 7691. Sample No. 89395–E.)

On October 16, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Frank Nevoso, trading as La Marca Cheese Co., at Easton, Pa., alleging shipment on or about March 29, 1942, from the State of Pennsylvania into the State of New York, of a quantity of cheese that was adulterated in that it consisted in whole or in part of a filthy substance since it contained living and dead cheese mites and their excreta, larvae and pupae, and mold, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On December 1, 1942, the defendant having entered a plea of nolo contendere, the court sentenced him to 6 months' imprisonment, but suspended the sentence and placed him on probation for a period of 2 years.

**4356. Adulteration of cheese. U. S. v. 125 Cheeses. Tried to the court. Judgment of condemnation. Product ordered released under bond for denaturing and use as hog feed.** (F. D. C. No. 6939. Sample No. 80369–E.)

On February 25, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 125 cheeses at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 22, 1942, by the Boaz Creamery from Boaz, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 22, 1942, the Shefford Cheese Co., of New York, N. Y., trading at Nashville, Tenn., filed a claim and answer neither denying nor admitting the allegations of the libel as to the filth contained in the article, but demanding strict proof and praying dismissal of the libel. On October 15, 1942, the case came on for hearing before the court and evidence was presented on behalf of the Government, but no evidence was presented by or on behalf of the claimant. On December 1, 1942, the court made findings of fact sustaining the allegations of the libel and ordering the product condemned and released under bond conditioned that it be denatured and disposed of as hog feed.

**4357. Adulteration of Cheddar cheese. U. S. v. 42 Boxes of Cheddar Cheese. Default decree of condemnation. Product ordered sold for nonfood purposes.** (F. D. C. No. 7782. Sample No. 86978–E.)

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 42 boxes, each containing approximately 71 pounds, of Cheddar cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by Putnam County Cheese Producers from Roachdale, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for the oils, fats, or grease it contained, their uses to be restricted to nonfood purposes.

**4358. Adulteration of cheese. U. S. v. 24 Boxes of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8197. Sample No. 22407–F.)

On August 24, 1942, the United States attorney for the Western District of New York filed a libel against 24 20-pound cheeses at Alfred Station, N. Y., alleging that the article had been shipped in interstate commerce on or about August

5, 1942, by the Pine Grove Cheese Factory from Genesee, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by denaturing the product under the supervision of the Food and Drug Administration and feeding it to hogs.

**4359. Adulteration of cheese. U. S. v. 204 Boxes of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8174. Sample No. 22409–F.)

On August 19, 1942, the United States attorney for the Western District of New York filed a libel against 204 boxes, each containing 1 cheese weighing approximately 20 pounds, at Alfred Station, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1942, by E. S. Moses & Sons from Millport, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4360. Adulteration of Cheddar cheese. U. S. v. 23 Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8553. Sample No. 22538–F.)

On October 9, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 23 boxes of Cheddar cheese, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 23, 1942, by Charles Mullen from Cobb, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jr. White Cheddars."

On November 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4361. Adulteration of Cheddar cheese. U. S. v. 384 Cheddar Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 8284. Sample No. 28416–F.)

On September 3, 1942, the United States attorney for the Northern District of Georgia filed a libel against 384 Cheddar cheeses, alleging that the article had been shipped in interstate commerce on or about July 24, 1942, by the Magnolia Dairy Products Co. from Olive Branch, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Elkhorn Kraft."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4362. Adulteration of cheese. U. S. v. 13 Boxes and 63 Boxes of Cheese. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8264, 8562. Sample Nos. 1217–F, 2052–F.)

On August 28, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 63 boxes, each containing 75 pounds, of cheese at Milwaukee, Wis., alleging that the article had been transported from Freeport, Ill., on or about July 18, 1942. The product had theretofore been shipped by the Fort Dodge Creamery Co. from Fort Dodge, Iowa, to Freeport, Ill.

On October 17, 1942, the said United States attorney filed a libel against 13 75-pound boxes of cheese at Milwaukee, Wis., alleging that the article had been transported in interstate commerce, on or about July 21, 1942, by the Fort Dodge Creamery Co. from Renwick, Iowa, to Freeport, Ill., and reshipped by C. A. Straubel under the name Kraft Cheese Co. from Freeport, Ill., to Milwaukee, Wis.

The article in both shipments was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 14, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4363. Adulteration of Cheddar cheese. U. S. v. 85 Boxes of Cheddar Cheese. Default decree of condemnation and sale.** (F. D. C. No. 8904. Sample No. 5817–F.)

On November 20, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 85 boxes of Cheddar cheese at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 7, 1942, by the Eureka Produce Co. from Harrison, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Selected Cheddar Cheese * * * Wilshire Cheese Co."

On December 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that such safeguards be adopted as directed by the Food and Drug Administration to prevent its use in violation of the law.

**4364. Adulteration of cheese. U. S. v. 117 Boxes of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8644. Sample No. 1069–F.)

On October 24, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 117 5-pound boxes of cheese at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 8, 1942, by the Conestoga Cream & Cheese Manufacturing Corporation, from Lima, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Box) "Bakers Best * * * Bakers Cheese."

On December 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4365. Adulteration of cheese. U. S. v. 24 Boxes of Cheese. Default decree of condemnation. Product ordered sold for salvage fat.** (F. D. C. No. 7825. Sample No. 78964–E.)

On June 26, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 24 boxes of cheese at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 11, 1942, by the Sonoma Mission Creamery from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering firm for salvaging the fat for war purposes.

**4366. Adulteration of cheese. U. S. v. 45 Boxes of Cheese. Decree of condemnation. Product ordered destroyed.** (F. D. C. No. 7945. Sample Nos. 2601–F, 2602–F.)

On August 10, 1942, the United States attorney for the District of Kansas filed a libel against 45 boxes, each containing approximately 52½ pounds, of cheese at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about June 29, 1942, by the Bohren Cheese Factory from Auburn, Neb.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Cudahy's Selected Countryside Cheese."

On August 24, 1942, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed in such manner as would best serve the public interest. It was used in the manufacture of glycerin for war purposes.

**4367. Adulteration of Cheddar cheese. U. S. v. 29 Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 7835. Sample No. 94252–E.)

On or about July 11, 1942, the United States attorney for the Western District of Missouri filed a libel against 29 boxes of Cheddar cheese at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about June 4, 1942, by the Community Creamery Co. from Waldron, Ark., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance,

and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On October 5, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**4368. Adulteration of Cheddar cheese. U. S. v. 70 Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8005. Sample Nos. 7201-F, 7217-F.)

On July 29, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 70 boxes of Cheddar cheese at Plattville, Wis., alleging that the article had been shipped in interstate commerce on or about July 3 and July 18, 1942, by the Dubuque Cooperative Dairy Association from Dubuque, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4369. Adulteration of cream cheese. U. S. v. 40 Tins of Cream Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8464. Sample No. 18146-F.)

On October 2, 1942, the United States attorney for the Southern District of New York filed a libel against 40 tins, each tin containing 30 pounds, of cream cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by East Smithfield Farms, Inc., from East Smithfield, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Tin) "Mohican Pure Cream Cheese * * * Dist. by The Mohican Co., New York, N. Y."

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4370. Adulteration of grated cheese. U. S. v. 20 Cases of Grated Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 8563. Sample No. 24345-F.)

On October 12, 1942, the United States attorney for the District of Maryland filed a libel against 20 cases, each containing 24 jars, of grated cheese at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 11, 1942, by the New Yorker Cheese Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "New Yorker Brand Italian Style Grated Cheese."

On December 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4371. Adulteration of Cheddar cheese. U. S. v. 153 Cheddars. Default decree of condemnation and destruction.** (F. D. C. No. 7847. Sample No. 58067-E.)

On July 1, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 153 Cheddar cheeses at Platteville, Wis., alleging that the article had been shipped in interstate commerce on or about June 20, 1942, by Cedar Rapids Cooperative Dairy Co. from Cedar Rapids, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS DAIRY PRODUCTS

**4372. Adulteration of cream. U. S. v. 3 10-Gallon Cans of Cream. Consent decree of condemnation and destruction.** (F. D. C. No. 8626. Sample No. 15606-F.)

On October 2, 1942, the United States attorney for the District of Colorado filed a libel against 3 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 26, 1942, by A. L. Bangert from Big Springs, Neb.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 2, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

**4373. Adulteration of cream. U. S. v. 3 10-Gallon Cans of Cream. Consent decree of condemnation and destruction.** (F. D. C. No. 8677. Sample No. 15305–F.)

This product contained filth such as hairs similar to cat hairs, a fly, a spider, plant fibers, manure, and nondescript dirt.

On October 16, 1942, the United States attorney for the District of Colorado filed a libel against 3 10-gallon cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, by O. S. Reed from Amarillo, Texas; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 16, 1942, the consignee having admitted the allegations of the libel and having consented to the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**4374. Adulteration and misbranding of condensed milk. U. S. v. 53 Cans of Condensed Sweetened Whole Milk. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 8436. Sample No. 14416–F.)

This product contained less than 8.5 percent milk fat.

On September 28, 1942, the United States attorney for the Southern District of California filed a libel against 53 cases, each case containing 48 cans, of condensed sweetened whole milk at Vernon, Calif., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by Dietetic Laboratories, from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Condensed Sweetened Whole Milk * * * Prepared for the: 'Friesland' Coop. Condensed Milk Factory Leeuwarden-Holland."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted wholly or in part for sweetened condensed milk, which it purported to be.

It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 8.5 percent milk fat, and such definition and standard provides that sweetened condensed milk should contain not less than 8.5 percent milk fat.

On October 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to one or more local charitable institutions.

**4375. Adulteration of ice cream mix. U. S. v. 24 Cases of Strawberry Flavor Brill's E–Z Freez. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 8679. Sample No. 21319–F.)

This product contained strawberry seeds in much larger proportion than fruit tissues, indicating the presence of added seed.

On November 4, 1942, the United States attorney for the Western District of New York filed a libel against 24 cases, each containing 1 gross boxes, of the above-named product at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about August 18 to on or about September 1, 1942, by the H. C. Brill Co., Inc., from Newark, N. J.; and charging that it was adulterated in that inferiority had been concealed by the addition of strawberry seeds, and in that strawberry seeds had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was. The article was labeled in part: (Boxes) "Strawberry Flavor Brill's E–Zee Freez For Making Ice Cream."

On December 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to various charitable institutions.

## EGGS

**4376. Adulteration of frozen whole eggs. U. S. v. Produce Terminal Cold Storage Co. Plea of guilty. Fine, $1.** (F. D. C. No. 7316. Sample Nos. 74873–E, 74874–E.)

On October 7, 1942, the United States attorney for the Northern District of Illinois filed an information against Produce Terminal Cold Storage Co., a

corporation, Chicago, Ill., alleging shipment on or about October 17, 1941, from the State of Illinois into the State of Connecticut of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of decomposed substances.

On November 6, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1.

**4377. Adulteration of frozen whole eggs. U. S. v. 897 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8463. Sample No. 18113–F.)

On September 30, 1942, the United States attorney for the Eastern District of New York filed a libel against 897 cartons of frozen whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by the Tracy Produce Co., Inc., from Tracy, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 22, 1942, Nathan Erlich, Inc., a New York corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

**4378. Adulteration of frozen whole eggs. U. S. v. 640 Cans and 1,000 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion.** (F. D. C. No. 8568, 8608. Sample No. 18118–F, 18121–F.)

On October 15 and 20, 1942, the United States attorney for the District of New Jersey filed libels against 1,640 30-pound cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce from on or about April 6 to May 4, 1942, by the Manhattan Egg Co. Inc., from New York, N. Y.,; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Whole Egg."

On November 18 and 30, 1942, L. D. Schreiber & Co. Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction or denaturing of that portion unfit for human consumption, under the supervision of the Food and Drug Administration.

**4379. Adulteration of dried whole egg powder. U. S. v. 1 Barrel of Whole Egg Powder. Default decree of condemnation and destruction.** (F. D. C. No. 8443. Sample Nos. 6142–F, 25228–F.)

On September 28, 1942, the United States attorney for the District of Maryland filed a libel against 1 barrel of whole egg powder at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 22, 1942, by Ehlenberger & Co., from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, fly fragments and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Ehlen-Dryed Spray Dried Whole Egg Powder * * * Mfg. by Louisiana Egg Products Ruston, La."

On October 9, 1942, an order was entered permitting the shipper to take a sample of the seized goods, and also authorizing the Food and Drug Administration to take a similar sample. On February 24, 1943, no claim having been entered, judgment of condemnation was entered and the product was ordered destroyed.

**4380. Adulteration of shell eggs. U. S. v. Leslie T. Barner. Plea of nolo contendere. Fine $50 on count 1. 1½ years probation on count 2.** (F. D. C. No. 6485. Sample Nos. 33084–E, 84536–E.)

On June 30, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against Leslie T. Barner at Richfield, Pa., alleging shipment on or about May 7, 1940, and January 27, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of shell eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On December 9, 1942, the claimant having entered a plea of nolo contendere, the court imposed a fine of $50 on the first count and imposed a sentence of 1½ years probation on the second on condition that the defendant cease selling incubator eggs.

**4381. Adulteration of shell eggs. U. S. v. 321 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing of unfit portion.** (F. D. C. No. 8975. Sample No. 8502–F.)

On or about December 7, 1942, the United States attorney for the Western District of Missouri filed a libel against 321 cases, each containing 30 dozen eggs at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 2, 1942, from Clay Center, Kans., for the Tranin Egg Products Co. of Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 14, 1942, the Tranin Egg Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The eggs were broken and the unfit portion was denatured for nonfood purposes.

**4382. Adulteration of shell eggs. U. S. v. 45 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for destruction or denaturing of unfit eggs.** (F. D. C. No. 8918. Sample No. 17783–F.)

On November 27, 1942, the United States attorney for the Southern District of New York filed a libel against 45 cases, each containing 30 dozen shell eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 16, 1942, by C. Bachmeyer from Wallingford, Conn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 12, 1942, Conrad Bachmeyer, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the portion that was unfit for human consumption be segregated and destroyed or denatured under the supervision of the Food and Drug Administration.

**4383. Adulteration and misbranding of egg substitute. U. S. v. 106 Cans and 59 Cans of Mo-Yok (egg substitute). Default decrees of condemnation and destruction.** (F. D. C. Nos. 8913, 8914. Sample Nos. 17781–F, 17782–F.)

This product was a yellow, thick solution of a starchy substance in water, having the flavor of a cereal product. It contained flies, cockroaches, rodent hairs, and insect fragments.

On November 30, 1942, the United States attorney for the Eastern District of New York filed libels against 165 30-pound cans of egg substitute at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 2 and 4, 1942, by Samuel Greenbaum, from Newark, N. J.; and charging that it was adulterated and misbranded. The article was sold as "Mo-Yok." Some of the cans were unlabeled and the remainder were labeled in part: "Frozen Eggs," "Whole Eggs," or "Yolks."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The portion contained in the labeled cans was alleged to be misbranded (1) in that the names "Frozen Eggs," "Whole Eggs," and "Yolks" were false and misleading as applied to a solution of a starchy substance in water; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (3) in that it had been fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The portion contained in the unlabeled cans was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 28, 1942, and January 4, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## FEED

**4384. Misbranding of dairy feed. U. S. v. Gwinn Bros. & Co. Plea of guilty. Fine, $400.** (F. D. C. No. 7282. Sample Nos. 17421–E, 17422–E.)

On October 22, 1942, the United States attorney for the Southern District of West Virginia filed an information against Gwinn Bros. & Co., a corporation, Huntington, W. Va., alleging shipment on or about January 30, 1942, from the State of West Virginia into the State of Virginia of a quantity of dairy feed that was misbranded. The article was labeled in part: (Tags) "Merit 16% Dairy Guaranteed Analysis Protein 16% Fat 3.5%," or "Grade A Dairy Feed Guaranteed Analysis Protein 24% Fat 4%."

The article was alleged to be misbranded in that the statements "Protein 16% Fat 3.5%" and "Protein 24% Fat 4%," borne on the tags of the respective lots, were false and misleading since the former lot contained not more than 13.5 percent of protein and not more than 1.42 percent of fat and the latter contained not more than 20.63 percent of protein and not more than 1.80 percent of fat.

On December 4, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200 on each of the 2 counts of the information.

**4385. Misbranding of fish meal. U. S. v. 15 Bags of Fish Meal. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8547. Sample No. 26487–F.)

On October 7, 1942, the United States attorney for the District of Maryland filed a libel against 15 100-pound bags of fish meal at Cambridge, Md., which had been consigned by Walton Brothers, alleging that the article had been shipped in interstate commerce on or about July 2, 1942, from Philadelphia, Pa., and charging that it was misbranded. The article was labeled in part: (Tag) "Fish Meal 62% Guaranteed Analysis Protein 62% Fat 6% Fiber 3% Prepared by Chas. R. Shoemaker, Inc. * * * Philadelphia, Pa."

The article was alleged to be misbranded in that the statement "Protein 62% * * * Fiber 3%," was false and misleading as applied to the article since it contained an average of 58.31 percent of protein and an average of 4.51 percent of fiber.

On November 3, 1942, the Cambridge Manufacturing Co. of Cambridge, Md., and Chas. R. Shoemaker, Inc., of Philadelphia, Pa., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4386. Misbranding of Mutual Dairyade Compound. U. S. v. 29 Pails of Mutual Dairyade Compound. Default decree of condemnation and destruction.** (F. D. C. 7493. Sample Nos. 76871–E, 76895–E.)

On May 14, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 29 pails, each containing 25 pounds, of the above-named product at Bloomer, Wis., alleging that the article had been shipped in interstate commerce on or about May 4, 1942, by the Mutual Products Co., from Minneapolis, Minn.; and charging that it was misbranded.

Analysis of a sample of the article showed that it contained wheat bran, wheat starch, oat starch, corn starch, sucrose, salt crystals, dry skim milk, potassium iodide, yeast, iron, salt, and miscellaneous plant material.

The article was alleged to be misbranded in that statements in the labeling were false and misleading since they represented and suggested that when used as directed the article was nutritionally a substitute for skim milk in the feeding of calves, pigs, and poultry, and that when so substituted such animals and poultry would avoid disease and be assured of rapid growth, whereas it was not as nutritious as skim milk and would not be effective for such purposes.

The article was also alleged to be misbranded under the provision of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On July 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FISH

**4387. Adulteration of frozen perch. U. S. v. C. Louis Isenberg, (Standard Fish Co.). Plea of guilty. Fine $50.** (F. D. C. No. 7251. Sample Nos. 47331–E, 47347–E.)

This product was infested with parasites.

On August 3, 1942, the United States attorney for the District of Massachusetts filed an information against C. Louis Isenberg, trading as Standard Fish Co.,

at Boston, Mass. alleging shipment on or about May 6 and May 23, 1941, from the State of Massachusetts into the State of Illinois of quantities of fish that was adulterated in that it consisted in whole or in part of a filthy substance.

On December 15, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $25 on each of 2 counts, making a total of $50.

**4388. Adulteration of frozen fish. U. S. v. 41,248 Pounds of Frozen Fish. Default decree of condemnation and destruction.** (F. D. C. Nos. 8937, 8938. Sample Nos. 18421–F, 18869–F to 18871–F, incl.)

On December 1, 1942, the United States attorney for the Southern District of New York filed a libel against 41,248 pounds of frozen fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1942, by the M. Gonsalves Fish Co. from Provincetown, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4389. Adulteration of frozen fish fillets. U. S. v. 31 Boxes of Frozen Fish Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 8507. Sample Nos. 18061–F, 18065–F.)

Examination of this product showed the presence of decomposed fillets.

On October 5, 1942, the United States attorney for the District of New Jersey filed a libel again 31 15-pound boxes of fish fillets at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by Golden, Mandelbaum & Miller, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4390. Adulteration and misbranding of fish fillets. U. S. v. 2,146 Boxes of Frozen Fish Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 8580. Sample Nos. 18067–F, 18068–F, 18071–F to 18077–F, incl., 18079–F, 18080–F, 18861–F, 18862–F.)

Examination of this product showed the presence of decomposed fish. A portion was short weight.

On October 16, 1942, the United States attorney for the Southern District of New York filed a libel against 337 10-pound boxes, 1,648 boxes, each containing 2 5-pound cartons, and 161 boxes, each containing 5 5-pound cartons, of frozen fillets at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to on or about August 16, 1942, by the Finest Fillet Co. from Groton, Conn.; and charging that it was adulterated and misbranded. The article was labeled in part: "National Frosted Foods Inc. Certified Quality Flounder Fillets 5 lbs. * * * National Frosted Foods Sales Corp. New York, N. Y., Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

A portion was alleged to be misbranded in that it was a food in package form and its label failed to bear an accurate statement of the quantity of its contents.

On November 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4391. Adulteration of frozen flounders. U. S. v. 48 Boxes of Frozen Flounders. Default decree of condemnation and destruction.** (F. D. C. No. 8672. Sample No. 18866–F.)

On October 31, 1942, the United States attorney for the Northern District of New York filed a libel against 48 100-pound boxes of frozen fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by the Finest Fillet Co., from Groton, Conn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4392. Adulteration of frozen whiting. U. S. v. 22,429 Pounds of Frozen Fish. Default decree of condemnation and sale.** (F. D. C. No. 8698. Sample No. 6405–F.)

On November 4, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 22,429 pounds of frozen whiting at St. Louis, Mo.,

alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the Cassius Hunt Co., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substancce.

On December 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that such safeguards be adopted to prevent its use in violation of the law as directed by the Federal Security Agency.

## FRUITS AND VEGETABLES

### FRESH FRUIT

**4393. Adulteration of apples. U. S. v. 405 Bushels of Apples. Default decree of condemnation. Product ordered distributed to a charitable institution.** (F. D. C. No. 8510. Sample No. 5820–F.)

These apples bore spray residue containing arsenic and lead.

On September 2, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 405 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about August 21 to on or about August 25, 1942, by Nugent & Schapanski from Grafton, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious substances which might render it injurious to health.

On November 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to a charitable institution on condition that precautions be taken as directed by the Food and Drug Administration, to prevent the use of the apples in violation of the law.

**4394. Adulteration of apples. U. S. v. 78 Bushels of Apples. Consent decree of condemnation and destruction.** (F. D. C. No. 8623. Sample Nos. 2156–F, 3131–F.)

These apples bore spray residue containing lead.

On October 8, 1942, the United States attorney for the District of Nebraska filed a libel against 78 bushels of apples at Omaha, Neb., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by the Continental Fruit Exchange (Phil Siporin, partner) from Coloma, Mich.; and charging that it was adulterated in that it contained a poisonous or deleterious subtance, namely lead, which might have rendered it injurious to health. The article was labeled in part: "Jonathans * * * Herman Molter R–1, Coloma, Mich."

On November 5, 1942, the Continental Fruit Exchange having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4395. Adulteration of huckleberries. U. S. v. 25 Crates, 19 Crates, and 12 Crates of Huckleberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8708, 8709. Sample Nos. 24139–F, 24141–F, 24142–F.)

On November 4, 1942, the United States attorney for the District of Columbia filed libels against 56 crates, each containing 24 quart cups, of huckleberries at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia at the Terminal Refrigerating & Warehousing Corp., stored to the account of the Crusty Pie Co., Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, maggots.

On December 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

### FROZEN FRUIT

**4396. Adulteration of frozen strawberries. U. S. v. 20 Barrels of Frozen Strawberries. Consent decree of condemnation and destruction.** (F. D. C. No. 8442, 8500. Sample No. 15296–F, 19749–F.)

This product contained mouldy berries.

On September 28 and October 6, 1942, the United States attorneys for the Districts of Colorado and Massachusetts filed libels against 10 barrels of frozen strawberries at Denver, Colo., and 10 barrels of frozen strawberries at Boston, Mass., which had been consigned by the S. A. Moffett Co., alleging that the article had been shipped in interstate commerce on or about July 22 and 24, 1942, from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 20, 1942, the S. A. Moffett Co., claimant for the lot at Boston, having signed an acceptance of service and authorization for taking final decree, judgment of condemnation was entered and the product was ordered destroyed. On November 2, 1942, no claimant having appeared for the lot at Denver, judgment of condemnation was entered and the product was ordered destroyed.

**4397. Adulteration of frozen strawberries. U. S. v. 120 Cans of Frozen Strawberries. Default decree of condemnation and destruction.** (F. D. C. No. 8560. Sample No. 8921–F.)

This product contained moldy berries.

On October 9, 1942, the United States attorney for the Southern District of Texas filed a libel against 120 cans of frozen strawberries at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 15, 1942, by Honor Brand Frosted Foods Corporation from Kent, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Honor Brand Sliced Strawberries."

On December 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4398. Adulteration of frozen strawberries. U. S. v. 180 Tins of Frozen Strawberries. Default decree of condemnation and destruction.** (F. D. C. No. 8621. Sample No. 10465–F.)

Examination of this product showed the presence of moldy berries.

On October 20, 1942, the United States attorney for the Northern District of California filed a libel against 180 30-pound tins of frozen strawberries at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about August 15, 1942, by the Blue Lake Producers Co-op. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Marshall Strawberries."

On December 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4399. Adulteration of frozen strawberries. U. S. v. 50 Barrels of Frozen Strawberries. Consent decree of condemnation with provision for release of product under bond for separation of the fit from the unfit portion. Supplemental decree ordering good portion released for sale.** (F. D. C. No. 8453. Sample No. 12090–F.)

This product contained moldy berries.

On September 30, 1942, the United States attorney for the Western District of Washington filed a libel against 50 barrels, each containing 450 pounds, of frozen strawberries at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about July 18, 1942, by the Pacific Fruit Products Co. from Albany, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Strawberries, * * * Spencer Packing Co. Lebanon Oregon."

On November 16, 1942, C. B. Spencer, trading as Spencer Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion and destruction of the unfit portion under the supervision of the Food and Drug Administration. On February 24, 1942, a supplemental decree was entered ordering the good portion (30 barrels) released for sale.

**4400. Adulteration of frozen red raspberries. U. S. v. 16 Barrels of Frozen Red Raspberries. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8345. Sample No. 1819–F.)

This product contained over 25 percent of added water.

On September 15, 1942, the United States attorney for the Northern District of Illinois filed a libel against 16 390-pound barrels of frozen red raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 4, 1942, by Frigid Food Products, Inc., from Detroit, Mich.; and charging that it was adulterated in that a substance, water, had been substituted wholly or in part therefor.

On November 5, 1942, Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to describe the weight and contents as "Gross Weight 390 pounds; Water 97½ pounds; Net Weight 292½ pounds," the relabeling to be under the supervision of the Food and Drug Administration.

## CANNED FRUIT

**4401. Adulteration of canned cherries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine $400 and costs.** (F. D. C. No. 7712. Sample No. 95111-E.)

This product contained worms.

On November 10, 1942, the United States attorney for the Western District of Washington filed an information against R. D. Bodle Co., a corporation, Seattle, Wash., alleging shipment on or about March 17, 1942, from the State of Washington into the State of California of a quantity of red sour pitted cherries that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Heep Full Brand * * * Packed By Valley Fruit Canning Co. Seattle, Wash. Red Sour Pitted Cherries."

On November 30, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400 and costs.

**4402. Misbranding of canned cherries. U. S. v. Ray A. Ricketts (Ray A. Ricketts Co.). Plea of guilty. Fine, $100.** (F. D. C. No. 7743. Sample Nos. 88201-E, 88202-E, 88181-E.)

On November 20, 1942, the United States attorney for the District of Colorado filed an information against Ray A. Ricketts, trading as Ray A. Ricketts Co., Canon City, Colo., alleging introduction and delivery for introduction into interstate commerce on or about August 18, 1941, and February 10, 1942, from the State of Colorado into the State of Texas of quantities of canned cherries that were misbranded. The article was labeled in part: "O-Joy Water Pack Red Pitted Cherries," or "San Luis Red Star Pitted Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as canned cherries, a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and it failed to conform to such standard since there were present more than 1 pit in each 20 ounces of canned cherries and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On December 16, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

**4403. Adulteration of canned peaches. U. S. v. Georgia Canning Co. Plea of guilty. Fine $250.** (F. D. C. No. 7309. Sample No. 27843-E.)

This product contained worms and filth resulting from worm infestation.

On August 4, 1942, the United States attorney for the Middle District of Georgia filed an information against the Georgia Canning Co., a corporation, Wayside, Ga., alleging shipment in interstate commerce on or about July 11, 1941, from the State of Georgia into the State of Kentucky of a quantity of canned peaches that were adulterated in that they consisted in whole or in part of filthy substances. The article was labeled in part: "Tuckahoe Brand * * * Peaches."

On November 20, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

**4404. Misbranding of canned peaches. U. S. v. 98 Cases of Canned Peaches. Default decree of condemnation. Product ordered relabeled and sold to highest bidder.** (F. D. C. No. 8310. Sample No. 28241-F.)

On September 8, 1942, the United States attorney for the Southern District of Georgia filed a libel against 98 cases, each containing 24 cans, of peaches at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Walter P. Rawl from Gilbert, S. C.; and charging that it was misbranded. The article was labeled in part: (Cans) "Palmetto Brand * * * Peaches."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it did not meet the test for tenderness described in the regulations and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered relabeled, by the marshal, with the substandard legend and sold to the highest bidder.

**4405. Misbranding of canned peaches. U. S. v. 95 Cases of Canned Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 8609. Sample No. 29032–F.)

On October 20, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 95 cases, each containing 24 cans, of peaches at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about July 30 and August 4, 1942, by the Easterlin Packing Co. from Andersonville, Ga.; and charging that it was misbranded. The article was labeled in part: (Cans) "Flint River Brand Yellow Freestone Halves Peaches."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as promulgated pursuant to law, but it fell below such standard, which requires that all peach units tested in accordance with the method therein prescribed are pierced by a weight of not more than 300 grams, that not more than 20 percent of the units in the container should be blemished with scab, hail injury, discoloration, or other abnormality, and that the peach halves should be untrimmed or so trimmed as to preserve their normal shape; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4406. Misbranding of canned peaches. U. S. v. 664 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8695. Sample No. 17992–F.)

On November 4, 1942, the United States attorney for the District of New Jersey filed a libel against 664 cases, each containing 24 cans, of peaches at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by the Steinfeldt-Thompson Co. from Adel, Ga.; and charging that it was misbranded. The article was labeled in part: "Golden Harvest Brand Sun Ripened Yellow Freestone Peaches."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it failed to meet the test for tenderness described in the regulations and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 31, 1942, Maurice I. Steinfeldt, trading as Steinfeldt-Thompson Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4407. Misbranding of canned peaches. U. S. v. 123 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8201. Sample No. 28411–F.)

On August 24, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 123 cases, each case containing 24 cans, of peaches at Orangeburg, S. C., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, by the Southern States Canning Co., from Ft. Valley, Ga.; and charging that it was misbranded. The article was labeled in part: (Cans) "Oak Hill White Freestone Peaches."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and it fell below such standard since all units tested in accordance with the method prescribed in such regulation were not pierced by a weight of not more than 300 grams, the measure of tenderness provided by the standard.

On November 14, 1942, the Southern States Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4408. Misbranding of canned pears. U. S. v. 175 Cases of Canned Pears. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8886. Sample No. 22421–F.)

On November 18, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 175 cases, each containing 24 cans, of pears

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1942, by the Hadad Canning Co. from Aldine, N. J., and charging that it was misbranded. The article was unlabeled.

It was alleged to be misbranded (1) (a) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and (b) did not bear a label containing an accurate statement of the quantity of the contents; (2) in that it purported to be and was represented on the invoice as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and it failed to bear a label containing the name of the food specified in such definition and standard; (3) in that it purported to be and was represented on the invoice as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard with respect to uniformity of size, freedom from blemishes, and trim, since (a) the weight of the largest pear unit in the container was more than twice the weight of the smallest unit therein, (b) more than 20 percent of the units in the container were blemished with discoloration, and (c) all units were not untrimmed or so trimmed as to preserve normal shape; and (4) in that it purported to be and was represented on the invoice as a food for which a standard of fill of container had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since there was not present in the container the maximum quantity of the pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as required by the standard; and its label failed to bear, since it was unlabeled, in such manner and form as such regulations specify, a statement that it fell below the standards of quality and fill of container.

On December 23, 1942, the Hadad Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4409. Adulteration of canned raspberries. U. S. v. 48 Cartons of Canned Raspberries. Default decree of condemnation and destruction.** (F. D. C. No. 8678. Sample Nos. 21241–F, 21242–F.)

This product contained moldy berries.

On November 4, 1942, the United States attorney for the Northern District of Pennsylvania filed a libel against 48 cartons, each carton containing 6 No. 10 cans, of raspberries at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the Helen Packing Corporation, North Collins, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Clef Brand * * * Columbian [or "Black"] Raspberries."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED VEGETABLES

**4410. Adulteration and misbranding of canned asparagus. U. S. v. 97 Cases and 97 Cases of Canned Asparagus. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8078, 8079. Sample Nos. 7194–F, 7195–F.)

This product consisted of the extreme lower ends of the asparagus stalk and many pieces were poorly cleaned, showing dirt and rust.

On August 8, 1942, the United States attorney for the Eastern District of Missouri filed libels against 194 cases, each containing 6 No. 10 cans, of asparagus at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 22, 1942, by Parrott & Co., of San Francisco, Calif., from Oakland Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Fairplay Brand White Cuts – Tips Removed Asparagus."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, or was otherwise unfit for food, and in that the lower inedible portions of asparagus sprouts had been substituted in whole or in part for edible asparagus.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it did not consist of the edible portions of the sprouts of the asparagus plant.

On December 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4411. Adulteration and misbranding of canned asparagus. U. S. v. 66 Cases of Canned Asparagus. Default decree of condemnation and destruction.** (F. D. C. No. 8062. Sample No. 15282–F.)

The product consisted almost entirely of the extreme lower portions of asparagus, which were very fibrous and tough and practically inedible, many pieces having dirty ends.

On August 5, 1942, the United States attorney for the District of Colorado filed a libel against 66 cases, each containing 6 No. 10 cans, of asparagus at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about May 26, 1942, from San Francisco, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Packrite Brand White Cuts Tips Removed Asparagus * * * Packed by Manteca Canning Co. Manteca, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food, and in that the lower inedible portions of the asparagus sprout had been substituted wholly or in part for edible asparagus.

The article was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and it failed to conform to such definition and standard because it did not consist of the edible portions of sprouts of the asparagus plant.

On November 18, 1942, no claimant having appeared, judgment of condemnations was entered and the product was ordered destroyed.

**4412. Adulteration of canned green beans. U. S. v. 992 Cases of Canned Beans. Default decree of condemnation and destruction.** (F. D. C. No. 8421. Sample No. 10424–F.)

On September 23, 1942, the United States attorney for the Southern District of California filed a libel against 992 cases, each case containing 24 cans, of green stringless beans at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1942, by Quality Products, Inc., from LaFeria, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Curtis Cut Green Stringless Beans."

On October 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4413. Adulteration of canned green beans. U. S. v. 198 Cases of Canned Green Beans. Default decree of condemnation and destruction.** (F. D. C. No. 8437. Sample No. 24332–F.)

Examination of this product showed it to be underprocessed and in part decomposed.

On September 22, 1942, the United States attorney for the Middle District of North Carolina filed a libel against 198 cases, each containing 24 cans, of cut green beans at Mount Airy, N. C., alleging that the article had been shipped in interstate commerce on or about September 1, 1942, by W. C. Simpson from Check, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Bent Mountain Brand * * * Cut Green Beans."

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4414. Adulteration of canned green beans and stringless beans. U. S. v. 113 Cases and 396 Cases of Cut Green Beans and 176 Cases of Cut Stringless Beans. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8430, 8431, 8432. Sample Nos. 24239–F, 24329–F, 24330–F.)

These products were underprocessed and in part decomposed.

On October 2, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 113 cases, each case containing 24 cans, of cut green beans at Minden, W. Va., 396 cases, each containing 24 cans, of cut green beans at Bluefield, W. Va., and 176 cases, each containing 24 cans, of cut stringless beans at Berwind, W. Va., alleging that the articles had been shipped in interstate commerce on or about August 27 and August 31, 1942, by W. C. Simpson from Check, Va.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labelled in part: (Cans) "Bent Mountain Brand * * * Cut Green Beans," or "Carroll Cabin Brand * * * Cut Stringless Beans Distributed By Dalton Brothers Bristol, Virginia."

On November 17, 1942, and January 19, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4415. Adulteration of canned cut green beans. U. S. v. 197 Cases of Canned Cut Green Beans. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8857. Sample No. 15499-F.)

This product was underprocessed and in part decomposed.

On November 17, 1942, the United States attorney for the District of New Mexico filed a libel against 197 cases, each containing 24 cans, of cut green beans at Clovis, N. M., which had been consigned by the Muleshoe Canning Co. from Muleshoe, Tex., alleging that the article had been shipped in interstate commerce on or about August 8, 1942; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Heart of the Plains Brand Cut Green Beans."

On December 21, 1942, no appearance having been entered or answer filed, judgment of condemnation was entered. The court ordered that the product might be released under bond to the Muleshoe Canning Co. for elimination of all bad or decomposed material under the supervision of the Food and Drug Administration.

**4416. Adulteration of canned mustard greens. U. S. v. 82 Cases of Canned Mustard Greens. Default decree of condemnation and destruction.** (F. D. C. No. 7592. Sample No. 73665-E.)

Examination of this product showed the presence of larvae, insects, and insect fragments.

On or about June 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 82 cases of canned mustard greens at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 21, 1942, by the Alma Canning Co. from Alma, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Alma Mustard Greens."

On November 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 4417 to 4423** represent actions involving canned peas that purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

**4417. Misbranding of canned peas. U. S. v. 359 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8366. Sample No. 4648-F.)

On September 17, 1942, the United States attorney for the Northern District of Ohio filed a libel against 359 cases, each containing 24 cans, of peas at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by the Kroger Grocery & Baking Co. from Franklin, Ind.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Kroger's Big K Brand Standard—Grade C * * * Early Variety Peas."

On November 11, 1942, the Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4418. Misbranding of canned peas. U. S. v. 237 Cases of Canned Peas (and 4 additional seizure actions against canned peas). Decrees of condemnation entered for portions. Orders releasing product under bond for relabeling entered in all cases.** (F. D. C. Nos. 8627, 8710, 8717, 8873, 8940. Sample Nos. 4437-F, 4370-F, 31829-F, 4683-F, 4463-F.)

Between October 22 and November 28, 1942, the United States attorneys for the Southern District of Ohio, the Northern District of Ohio, the Middle District of Tennessee, and the Eastern District of Kentucky filed libels against 237 cases of canned peas at Ironton, Ohio, 133 cases at Cincinnati, Ohio, 115 cases at Cleveland, Ohio, 149 cases at Paintsville, Ky., and 463 cases at Nashville, Tenn., alleging that the article had been shipped in interstate commerce within the

period from on or about July 1 to on or about July 14, 1942, by the Lapel Canning Co. from Lapel, Ind.; and charging that it was misbranded since it was below standard. The article was labeled in part: "Lapel Brand Sifted Early June Peas," or "Pendelton Early June Peas Packed by Fall Creek Canning Company. Pendleton, Indiana."

On November 25, 1942, Lewis Bros., Cincinnati, Ohio, and J. P. Woods & Co., Ironton, Ohio, claimants for the lots located at those cities, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to the respective claimants for relabeling under the supervision of the Food and Drug Administration.

On December 15, 23, and 29, 1942, Houston H. Craig, trading as the Lapel Canning Co., having appeared as claimant for the lots located at Cleveland, Ohio, Paintsville, Ky., and Nashville, Tenn., and having admitted the allegations of the libels, judgments were entered ordering the product released under bond for relabeling under the supervision of the Food and Drug Administration.

**4419. Misbranding of canned peas. U. S. v. 399 Cases of Canned Peas. Product ordered released under bond for relabeling.** (F. D. C. No. 8656. Sample No. 32705–F.)

On October 27, 1942, the United States attorney for the Western District of Kentucky filed a libel against 399 cases, each containing 24 cans, of peas at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by J. S. Mitchell, Inc., from Windfall, Ind.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Early June Peas Sweet William Brand."

On December 21, 1942, John S. Mitchell, Inc., having admitted the allegations of the libel, judgment was entered ordering the product released under bond for relabeling under the supervision of the Food and Drug Administration.

**4420. Misbranding of canned peas. U. S. v. 705 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8683. Sample No. 2743–F.)

On November 19, 1942, the United States attorney for the District of Kansas filed a libel against 705 cases, each containing 24 cans, of peas at Hutchinson, Kans., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by the Lake Shore Canning Co. from Cleveland, Wis.; and charging that it was misbranded since it was below standard. The article was labeled in part: "Hearth Stone Early June Peas."

On November 21, 1942, the Fleming Co., of Topeka, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the provisions of the law under the supervision of the Food and Drug Administration. The product was relabeled.

**4421. Misbranding of canned peas. U. S. v. 374 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8840. Sample No. 4369–F.)

On November 7, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 374 cases, each containing 24 cans, of peas at Paintsville, Ky., alleging that the article had been shipped in interstate commerce on or about September 18, 1942, by the Star Canning Co. from Austin, Ind.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Can) "American Beauty Garden Run Early June Peas. * * * Packed by Morgan Packing Company, Austin, Indiana."

On November 20, 1942, the Morgan Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4422. Misbranding of canned peas. U. S. v. 550 Cases of Canned Peas. Default decree of condemnation and sale.** (F. D. C. No. 8645. Sample No. 5756–F.)

On October 26, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 550 cases, each containing 24 cans, of peas at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 17, 1942, by the Oostburg Canning Co. from Oostburg, Wis.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Can) "Oostburg Extra Sifted Early June Peas."

On December 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that purchaser adopt such safeguards as might be recommended by the Food and Drug Administration against its being disposed of in violation of the law.

**4423. Misbranding of canned peas. U. S. v. 73 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 8622. Sample No. 17340–F.)

On October 21, 1942, the United States attorney for the District of New Jersey filed a libel against 73 cases, each containing 24 cans of peas, at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 20, 1942, by D. E. Foote & Co., Inc., from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: "Foote's Best Early June Peas."

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labels had been destroyed.

## TOMATOES AND TOMATO PRODUCTS

**Nos. 4424 to 4439** report legal actions involving tomato products. **Nos. 4424 and 4425, and 4429 to 4439, incl.,** report actions against products made from rotten material as evidenced by mold. A portion of the canned tomatoes involved in **No. 4425** was undergoing progressive spoilage.

**4424. Adulteration of canned tomatoes, tomato paste, and hot sauce. U. S. v. Hershel California Fruit Products Co., Inc., and Anthony C. Morici, President. Pleas of guilty. Fine of $225 against the corporation and $150 against the individual defendant.** (F. D. C. No. 7696. Sample Nos. 22869–E, 22870–E, 23229–E, 23239–E, 23240–E, 23701–E to 23703–E, incl., 23710–E, 23713–E, 23559–E, 81551–E, 81609–E, 81613–E, 81738–E, 85178–E, 85625–E.)

On November 19, 1942, the United States attorney for the Northern District of California filed an information against Hershel California Fruit Products Co., Inc., San Jose, Calif., and Anthony C. Morici, its president, alleging shipment and the causing to be shipped within the period from on or about September 24 to on or about December 23, 1941, from the State of California into the States of Colorado, Washington, New York, Missouri, Oregon, Louisiana, New Jersey, and West Virginia of quantities of tomato paste, hot sauce, and canned tomatoes that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Salsina * * * Tomato Paste * * * Pacific Star," "Contadina * * * Tomato Paste," "Pacific Star Tomato Paste [or "Hot Sauce"]," or "Contadina Peeled Tomatoes."

On December 3, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $225 against the corporation and $150 against its president.

**4425. Adulteration and misbranding of canned tomatoes. U. S. v. 1,583 Cases, 1,800 Cases, and 73 Cases of Canned Tomatoes. Decrees of condemnation. One lot ordered released under bond for relabeling; one lot ordered released under bond for segregation and destruction of unfit portion; remaining lot ordered given to a charitable institution.** (F. D. C. Nos. 8417, 8605, 8669. Sample Nos. 17104–F, 19806–F, 24267–F.)

One of these lots was in part fermenting and the other lots were in whole or in part substandard because of the presence of excessive peel.

On September 28, October 19, and October 28, 1942, the United States attorneys for the Northern District of New York, District of Massachusetts, and the Southern District of West Virginia filed libels against 1,583 cases at Norwich, N. Y., 1,800 cases at Boston, Mass., and 73 cases at Huntington, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 31 to on or about September 15, 1942, by Albert W. Sisk & Son from Chincoteague, Va., Machipongo, Va., and Trappe, Md.; and charging that a portion was adulterated and that the remainder was misbranded. The article was labeled in part: (Cans) "Pine Cone Brand Tomatoes. Albert W. Sisk and Son Distributors—not Manufacturers," or "Eastern Shore Brand Tomatoes * * * Packed By Eastern Shore Canning Company Machipongo, Virginia."

The lot located at Boston, Mass., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The lots located at Norwich, N. Y., and Huntington, W. Va., were alleged to be misbranded in that they purported to be and were represented as a food for

which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it contained tomato peel in excess of the maximum prescribed by the standard, which provides that tomato peel per pound of canned tomatoes in the container should cover an area of not more than 1 square inch, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

On November 28, 1942, Albert W. Sisk & Son, Aberdeen, Md., claimant for the lot located at Norwich, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for sorting out of any portion that might not be substandard and the relabeling of all substandard tomatoes under the supervision of the Food and Drug Administration. On November 30, 1942, the Trappe Canning Co. of Trappe, Md., having appeared as claimant for the lot located at Boston, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the sorting out of all bad material under the supervision of the Food and Drug Administration. On December 3, 1942, no claimant having appeared for the lot located at Huntington, W. Va., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**4426. Misbranding of canned tomatoes. U. S. v. 1,130 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8850. Sample No. 9540–F.)

This product was substandard because it did not meet the test for strength and redness of color described in the regulations and because it contained peel in excess of the amount permitted therein.

On November 13, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 1,130 cases, each containing 24 cans, of tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 11 and 15, 1942, by the Hazlehurst Canning Co. from Hazlehurst, Miss.; and charging that it was misbranded. The article was labeled in part: (Can) "Eagle Brand * * * Standard Tomatoes, Packed By A. Glorioso of New Orleans, La."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

On December 4, 1942, Kohlmann Bros. & Sugarman, Inc., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4427. Misbranding of canned tomatoes. U. S. v. 1,400 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and relabeling.** (F. D. C. No. 8642. Sample No. 17105–F.)

On October 28, 1942, the United States attorney for the Northern District of New York filed a libel against 1,400 cases, each case containing 24 cans, of tomatoes at Green Island, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by H. P. Tull & Co. from Kingston, Md.; and charging that it was misbranded. The article was labeled in part: (Can) "King of the Field * * * Tomatoes."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since it contained more than the maximum amount of tomato peel permitted by the standard, 1 square inch per pound of canned tomatoes in the container, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

On December 7, 1942, H. P. Tull & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that any portion that reexamination showed was not substandard be segregated as not requiring relabeling and that the remainder be relabeled under the supervision of the Food and Drug Administration.

**4428. Misbranding of canned tomatoes. U. S. v. 425 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8438. Sample No. 17985-F.)

On September 29, 1942, the United States attorney for the Southern District of New York filed a libel against 425 cases of canned tomatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1942, by T. Paul Coulbourn from Marion Station, Md.; and charging that it was misbranded. The article was labeled in part: "Big C Brand Tomatoes."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law but fell below such standard since it contained tomato peel which covered an area of more than 1 square inch per pound of canned tomatoes, and its label failed to bear in such manner and form as the regulations specify a statement that it fell below the standard.

On November 25, 1942, Scheifer & Barst, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**4429. Adulteration of tomato puree. U. S. v. Charles Amos Shuttleworth, (Salamonie Packing Co.) Plea of guilty. Fine $75.** (F. D. C. No. 7198. Sample No. 62288-E.)

On May 26, 1942, the United States attorney for the Northern District of Indiana filed an information against Charles Amos Shuttleworth, trading as Salamonie Packing Co., at Warren, Ind., alleging shipment on or about September 23, 1941, from the State of Indiana into the State of Illinois of a quantity of tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Barco Brand * * * Tomato Puree * * * B. A. Railton Co. Distributors, Chicago, Ill., Milwaukee, Wis."

On December 21, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $75.

**4430. Adulteration of tomato puree. U. S. v. 379 Cases of Canned Tomato Puree. Consent decree of condemnation. Product ordered released under bond for salvaging fit portion.** (F. D. C. No. 8729. Sample No. 31834-F.)

On November 9, 1942, the United States attorney for the Southern District of Ohio filed a libel against 379 cases, each containing 48 cans, of tomato puree at Cincinnati, Ohio, which had been consigned on or about September 12 and 17, 1942, alleging that the article had been shipped in interstate commerce by the Eaton Canning Co. from Eaton, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Realm Tomato Puree * * * Distributed by Household Products Co. * * * Chicago, Ill."

On December 3, 1942, the Eaton Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit portion under the supervision of the Food and Drug Administration. The portion fit for human consumption was salvaged and the unfit portion was destroyed.

**4431. Adulteration of tomato puree. U. S. v. 88 Cases, 22 Cases, and 221 Cases of Tomato Puree. Consent decrees of condemnation. Product ordered released under bond for sale as animal feed.** (F. D. C. Nos. 6788, 6789, 6938. Sample Nos. 65961-E, 65962-E, 65965-E, 65966-E, 65988-E.)

On February 12 and 27, 1942, the United States attorney for the District of Colorado filed libels against a total of 331 cases of tomato puree at Denver, Colo., which had been consigned by Smith Canning Co., alleging that the article had been shipped in interstate commerce on or about October 17 and December 2, 1941, from Ogden and Clearfield Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Smith Brand Tomato Puree. Distributed by Smith Canning Company, Clearfield, Utah, Pendleton, Oregon," or "Y B Your Best Brand Tomato Puree Packed for Yoelin Bros. Merc. Co., Denver, Colo."

On November 17, 1942, the Smith Canning Co., Clearfield, Utah, having appeared as claimant and various extensions of time having been granted for filing answers, and the claimant having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured and sold as animal feed.

**4432. Adulteration of tomato puree. U. S. v. 260 Unlabeled Cans of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 8435. Sample No. 7102–F.)

On September 25, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 260 5-gallon cans of tomato puree at East St. Louis, Ill., which had been consigned by Perry, Smith & Klein, from Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4433. Adulteration of tomato puree. U. S. v. 699 Cases of Tomato Puree (and 3 other seizure actions against tomato puree). Default decrees of condemnation and destruction.** (F. D. C. Nos. 8571, 8653, 8671, 8883. Sample Nos. 17993–F, 19530–F, 24126–F, 28134–F.)

Between October 15 and November 16, 1942, the United States attorneys for the Southern District of Florida, Southern District of New York, District of Columbia, and District of Massachusetts, filed libels against 699 cases of tomato puree at Tampa, Fla., 196 cases at New York, N. Y., 450 cases at Washington, D. C., and 51 cases at Worcester, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about September 2 to on or about October 19, 1942, by Wm. Laning & Sons Co. from Bridgeton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Silver Lake Brand Whole Tomato Puree," "Premier Tomato Puree * * * Francis H. Leggett & Co. Distributors," or "Good Year * * * Tomato Puree * * * Mazo-Lerch Co. Incorporated Distributors Washington D. C."

On November 23, December 24, 1942, January 18 and February 1, 1943, the claimant for the seizure at Tampa, Fla., having withdrawn the claim and answer filed in that proceeding and no claim having been entered in the other cases, judgments of condemnation were entered and the product was ordered destroyed.

**4434. Adulteration of tomato puree. U. S. v. 45 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 8846. Sample No. 4382–F.)

On November 10, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 45 cases, each case containing 24 cans, of tomato puree, at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by Crampton Canneries from Celina, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Sun-Blest Tomatoes Puree."

On December 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4435. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Consent decree of condemnation and destruction.** (F. D. C. No. 8843. Sample Nos. 408–F, 414–F.)

On November 14, 1942, the United States attorney for the Northern District of Illinois filed a libel against 24 cases, each case containing 6 No. 10 cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 7, 1942, by Caar Canning Co. from Red Key, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Two Cities Tomato Puree * * * Packed for John Sexton & Co. Distributors Chicago-Brooklyn."

On December 21, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4436. Adulteration of tomato puree. U. S. v. 154 Cases and 140 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 8647, 8685. Sample Nos. 4445–F, 32701–F.)

On October 26 and 31, 1942, the United States attorney for the Western District of Kentucky filed libels against 154 cases, each containing 48 cans, and 140 cases, each containing 6 No. 10 cans, of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 3 and 28, 1942, by Kenneth N. Rider Co., Inc., from Trafalgar, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed

substance. The article was labeled in part: (Cans) "Red Gold Brand Indiana Tomato Puree."

On December 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4437. Adulteration of tomato puree. U. S. v. 225 Cans of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8650. Sample No. 17571-F.)

A portion of this product was fermenting and decomposed.

On October 28, 1942, the United States attorney for the Southern District of New York filed a libel against 225 unlabeled cans, each can containing 5 gallons, of tomato puree at Mamaroneck, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by the Farmingdale Packing Corporation, from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 4, 1942, the Pure Food Factory "Hansa," a corporation of Mamaroneck, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion and destruction of that portion which was unfit, under the supervision of the Food and Drug Administration.

**4438. Adulteration and misbranding of tomato paste. U. S. v. 596 Cases of Tomato Paste (and 4 other seizure actions against tomato paste). Decrees of condemnation. Portion of product ordered destroyed, remainder ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. Nos. 6629, 7451, 7560, 7582. Sample Nos. 53662-E, 80194-E, 80195-E, 83907-E, 83943-E, 83944-E, 83946-E.)

Between December 29, 1941, and May 29, 1942, the United States attorneys for the Eastern District of Louisiana, Eastern District of New York, Southern District of Texas, and Northern District of Ohio filed libels against 596 cases of tomato paste at New Orleans, La., 56 cases of tomato paste at Brooklyn, N. Y., 12 cases at Houston, Tex., and 75 cases at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 12 and 17, 1941, in part from Buena Park, Calif., into the States of Louisiana, New York, and Ohio, and in part on or about March 31, 1942, from New Orleans, La., into the State of Texas by Uddo Taormina Corporation; and charging that all lots were adulterated and that 1 lot was also misbranded. The article was labeled in part: "Giardiniera * * * Fancy California Tomato Paste * * * Packed for La Sierra Heights Canning Co., Inc., Buena Park, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. One lot was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and did not conform to such definition and standard since it contained less than 24 percent of salt-free tomato solids.

On June 8, 1942, the Uddo Taormina Corporation, claimant for the 596 cases seized at New Orleans, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed. On July 17, August 14, and December 5, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

**4439. Adulteration of tomato catsup. U. S. v. 49 Cans of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 8439. Sample Nos. 6025-F, 6029-F.)

On September 28, 1942, the United States attorney for the Western District of Tennessee filed a libel against 49 cans of tomato catsup at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about June 12, 1942, by Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "U.S.A. Tomato Catsup."

On October 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## DRIED FRUITS AND VEGETABLES

**Nos. 4440 to 4449** report actions on dried fruits and vegetables found to be contaminated with one or more kinds of filth, such as rodent excreta, rodent hairs, insects, insect fragments, insect excreta, worms, etc.

**4440. Adulteration of dried apricots. U. S. v. Meridian Ltd., (El Solyo Ranch). Plea of guilty. Fine $600.** (F. D. C. No. 7213. Sample Nos. 12923–E, 12924–E.)

On June 1, 1942, the United States attorney for the Northern District of California filed an information against Meridian Ltd., doing business as the El Solyo Ranch, a corporation, Vernalis, Calif., alleging shipment on or about August 13, 1942, from the State of California into the State of New York of quantities of dried apricots that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared, packed, or held under insanity conditions whereby they might have become contaminated with filth. The article was labeled in part: "Westan Brand Full Ripe Apricots [or "Westan Orchard Run Northern Apricots"] packed by West Stansilaus Whse Vernalis, Calif."

On December 30, 1942, a plea of guilty having been entered on behalf of the defendant the court imposed a fine of $600.

**4441. Adulteration of evaporated apples. U. S. v. 491 Boxes of Evaporated Apples. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 8281. Sample Nos. 1811–F, 1818–F.)

On September 1, 1942, the United States attorney for the Northern District of Illinois filed a libel against 491 boxes of evaporated apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 6, 1942, by Jack Gomperts & Co., from Watsonville, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Box) "50 Lbs. Net California Evaporated Apples."

On November 4, 1942, Jack Gomperts & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**4442. Adulteration of figs. U. S. v. 22 Boxes of Figs. Default decree of condemnation and destruction.** (F. D. C. No. 8401. Sample No. 21265–F.)

On September 23, 1942, the United States attorney for the Northern District of Ohio filed a libel against 22 25-pound boxes of figs at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about November 23, 1940, by the Pacific Raisin Co., from Fowler, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pheasant Brand Standard Adriatic Figs Packed by Bonner Packing Co., Fresno, Calif."

On December 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4443. Adulteration of dried peaches. U. S. v. 94 Boxes of Dried Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 7638. Sample No. 70899–E.)

On or about July 22, 1942, the United States attorney for the Northern District of Georgia filed a libel against 94 boxes of dried peaches at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 23, 1941, by the Bonner Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Blue Jay Brand Varigrade Recleaned Peaches."

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was accomplished by feeding the product to hogs at the penitentiary.

**4444. Adulteration of dried prunes. U. S. v. 17 Cases and 8 Cases of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 8494. Sample Nos. 14247–F, 14248–F.)

On October 7, 1942, the United States attorney for the District of Arizona filed a libel against a total of 25 cases, each containing 25 pounds, of dried prunes at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about October 24, 1941, by Vagim Packing Co., from Fresno, Calif. and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "West Coast Brand Santa Clara Prunes," or "Sail-Maker Calif. Prunes."

On November 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4445. Adulteration of dried prunes. U. S. v. 180 Cases of Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 8394. Sample Nos. 9148–F, 9660–F.)

On September 19, 1942, the United States attorney for the Eastern District of Louisiana filed a libel (amended September 25, 1942) against 180 25-pound cases of prunes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 2, 1941, by Abinanthe & Nola Packing Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Box) "Dubon Brand Prunes Grown and Packed in California."

On November 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4446. Adulteration of raisins. U. S. v. 55 Boxes of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 8629. Sample No. 5821–F.)

On October 22, 1942, the United States attorney for the Western District of Tennessee filed a libel against 55 boxes, each containing 25 pounds, of raisins at Memphis, Tenn., alleging that the article had been introduced into interstate commerce on or about February 10, 1942, from Visalia, Calif., by the California Prune & Apricot Growers Association of San Jose, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Golden Glow Brand Sultana Raisins."

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4447. Adulteration of raisins. U. S. v. 45 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 8403. Sample No. 17329–F.)

This product was wormy and contained insect excreta.

On September 22, 1942, the United States attorney for the District of New Jersey filed a libel against 45 25-pound cartons of raisins at Keansburg, N. J., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Kraemer & Wanke Inc. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Carton) "Honey Bunch Brand Midget California Thompson Seedless Raisins Packed by Consolidated Packing Co., San Francisco, Calif."

On November 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4448. Adulteration of raisins. U. S. v. 25 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 8648. Sample No. 5826–F.)

On October 28, 1942, the United States attorney for the Western District of Tennessee filed a libel against 25 cases of raisins at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about February 26, 1942, by Jack Gomperts & Co. of San Francisco, Calif., from Dinuba, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, beetles, larvae, and insect fragments. The article was labeled in part: "Besco Brand Midget Thompson Seedless Raisins Packed for Bessire & Co., Memphis, Tenn."

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4449. Adulteration of yellow split peas. U. S. v. 221 Bags of Yellow Split Peas. Consent decree of condemnation. Product ordered released under bond for washing and segregation and destruction of the unfit portion.** (F. D. C. No. 8323. Sample No. 17960–F.)

On September 9, 1942, the United States attorney for the Southern District of New York filed a libel against 221 60-pound bags of yellow split peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 30, 1940, from Port Huron, Mich., for the packer, the Trinidad Bean & Elevator Co., Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 5, 1942, the Raymond-Hadley Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for washing and cleaning, and causing the peas that were wormy, moldy and otherwise unfit, to be segregated and destroyed, under the supervision of the Food and Drug Administration.

## JAMS AND JELLIES

**4450. Adulteration and misbranding of jams. U. S. v. Charles F. Below Co. Plea of nolo contendere. Fine, $50 and costs.** (F. D. C. No. 7701. Sample Nos. 91295–E to 91297–E, incl.)

These products were deficient in fruit. The raspberry and strawberry flavors were insufficiently concentrated; the cherry and strawberry flavors were short weight.

On November 5, 1942, the United States attorney for the Northern District of Ohio filed an information against the Charles F. Below Co., a corporation, Vermilion, Ohio, alleging shipment on or about April 9, 1942, from the State of Ohio into the State of Michigan of quantities of jams that were adulterated and misbranded. The articles were labeled in part: "Square B Brand * * * Apple Raspberry [or "Cherry" or "Strawberry"] Pure Fruit Jam Packed By Square-B Foods Vermilion, O."

The articles were alleged to be adulterated in that imitation jams, deficient in fruit and, with the exception of the cherry flavor, insufficiently concentrated by heat, had been substituted wholly or in part for apple raspberry jam, apple cherry jam, and apple strawberry jam, foods for which definitions and standards of identity had been promulgated pursuant to law which they purported and were represented to be.

They were alleged to be misbranded (1) in that the statements "Apple Raspberry * * * Jam," "Apple Cherry * * * Jam," "Apple Strawberry * * * Jam," borne on the labels, were false and misleading; (2) in that they were imitation jams and their labels did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that they purported to be and were represented as foods for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law, but they failed to conform to such definitions and standards of identity since they had not been made from mixtures containing not less than 45 percent by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients, and since the apple raspberry and apple strawberry jams had not been concentrated by heat to such point that the soluble solids content of the finished jams was not less than 65 percent. The apple cherry jam and apple strawberry jam were alleged to be misbranded further in that they were foods in package form and their labels did not bear accurate statements of the quantity of the contents in terms of weight or measure.

On November 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 and costs.

**4451. Adulteration of Golden Lacqua and Lekvar. U. S. v. Max Ams, Inc., Plea of guilty. Fine $800.** (F. D. C. No. 6492. Sample Nos. 42772–E, 74070–E, 74072–E, 74073–E, 74812–E.)

Insect fragments and rodent hairs were found in samples taken from these products.

On November 17, 1942, the United States attorney for the Southern District of New York filed an information against Max Ams, Inc., New York, N. Y., alleging shipment within the period from on or about September 3 to on or about September 25, 1941, from the State of New York into the States of Pennsylvania, Connecticut, and New Jersey of quantities of Golden Lacqua and Lekvar which were adulter-

ated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Blue Pails * * * Golden Lacqua," "Blue Pail * * * Golden Lacqua Fruit Butter," or "Special Baker's Lekvar."

On November 20, 1942, the defendant entered a plea of guilty and the court imposed a fine of $800.

**4452. Adulteration and misbranding of blackberry jam. U. S. v. 165 Cases of Blackberry Jam. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8134. Sample Nos. 6003-F, 6021-F.)

On August 20, 1942, the United States attorney for the Western District of Tennessee filed a libel against 165 cases, each containing 6 No. 10 cans, of an article labeled in part "World Over Brand Pure Blackberry Jam," alleging that the article had been shipped in interstate commerce on or about June 18, 1942, by Leverton & Co. from Alvin, Tex.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a substance deficient in fruit had been substituted wholly or in part for pure blackberry jam as that food is defined in the regulations prescribing definitions and standards of identity promulgated under the law.

It was alleged to be misbranded (1) in that the name "Pure Blackberry Jam," borne on the label, was false and misleading as applied to an article deficient in fruit; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations pursuant to law and it failed to conform to such definition and standard since it did not contain the amount of fruit specified therein.

On September 28, 1942, Leverton & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4453. Adulteration and misbranding of black raspberry jam. U. S. v. 11⅓ Dozen Jars of Black Raspberry Seedless. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 8241. Sample No. 19423-E.)

On August 24, 1942, the United States attorney for the District of Rhode Island filed a libel against 11⅓ dozen jars of a product labeled in part: "Mactavish * * * Black Raspberry Seedless," alleging that the article had been shipped in interstate commerce on or about July 14, 1942 from Long Island City, N. Y., by Mactavish Preserves Co., Inc., and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that imitation black raspberry jam had been substituted in whole or in part for black raspberry jam which it purported to be.

It was alleged to be misbranded (1) in that the following statements on the jar label: "Black Raspberry Seedless Contains only selected wholesome fruit and cane sugar. 1 pound net" were false and misleading, since the article was not black raspberry jam and contained other ingredients than fruit and cane sugar and the jar did not contain 1 pound net; (2) in that was an imitation of another food, namely black raspberry jam, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; and (4) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and it failed to conform to such definition and standard, since it had not been concentrated by heat to such point that its soluble solids content was not less than 68 percent, as provided by regulation and since its label did not bear the name of the food as specified in such regulation.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.

**4454. Adulteration and misbranding of black raspberry jam and misbranding of fruit marmalade. U. S. v. 85 Jars of Fruit Marmalade and 85 Jars of Black Raspberry Jam. Default decree of condemnation and destruction.** (F. D. C. No. 8320. Sample Nos. 19719–F, 19720–F.)

On September 8, 1942, the United States attorney for the District of Massachusetts filed a libel against 85 jars of an article labeled in part: "Mactavish * * * fruit marmalade," and 85 jars of an article labeled in part: "Mactavish * * * Black Raspberry," at Springfield, Mass., alleging that the articles had been shipped in interstate commerce on or about July 8, 1942, by the Mactavish Preserves Co., Inc., from Long Island City, N. Y., and charging that they were adulterated and misbranded.

The product labeled "Black Raspberry" was alleged to be adulterated in that imitation black raspberry jam had been substituted in whole or in part for black raspberry jam which it purported to be. Both products were alleged to be misbranded (1) in that the statement, "1 Pound Net," on the labels was false and misleading as applied to articles that were short weight; and (2) in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents. The product labeled "Black Raspberry" was alleged to be misbranded further (1) in that the statement, "Black Raspberry Seedless Contains only selected wholesome fruit and cane sugar," was false and misleading since it was not black raspberry jam and contained other ingredients than fruit and cane sugar; (2) in that it was an imitation of another food, namely, black raspberry jam, and its label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to the law and it failed to conform to such definition and standard since it had not been concentrated by heat to such point that its insoluble solids content was not less than 68 percent as provided by such regulation and since its label did not bear the name of the food as specified therein.

On December 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4455. Adulteration and misbranding of raspberry jam. U. S. v. 15 Pails of Raspberry Jam (and 2 additional seizure actions against raspberry jam). Consent decree of condemnation and destruction.** (F. D. C. Nos. 6823, 6824, 7007. Sample Nos. 84319–E, 84875–E, 89304–E.)

Between February 6 and March 9, 1942, the United States attorneys for the District of Connecticut and the District of New Jersey filed libels against 15 50-pound pails of raspberry jam at Bridgeport, Conn., 5 30-pound pails at Asbury Park, N. J., and 10 50-pound pails at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about December 30, 1941, to on or about January 8, 1942, in part by the Globe Products Co., Inc., and in part by Hudson Preserves, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Blue Diamond Pure Raspberry Jam * * * Distributed by Henry Bresky & Sons Bridgeport, Conn," "S&S Brand Pure Raspberry Jam * * * Distributed by Steinberg & Spielfogel, Inc., Lakewood & Asbury Park, N. J."; or "Pure Raspberry Jam."

The article was alleged to be adulterated in that an imitation raspberry jam, deficient in fruit, had been substituted wholly or in part for raspberry jam.

It was alleged to be misbranded (1) in that the name "Pure Raspberry Jam" was false and misleading as applied to an article that was deficient in fruit; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law but it failed to conform to such definition and standard since it was deficient in fruit.

On March 9, 1942, the Globe Products Co., Inc., claimant, filed a petition in the District Court for the District of Connecticut for the removal of the case pending in that District to the District of New Jersey, and its consolidation with the cases in the latter District, and on May 7, 1942, an order for such removal and consolidation was entered. On December 7, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4456. Adulteration and misbranding of strawberry preserve. U. S. v. 14 Cases of Strawberry Preserve. Consent decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 5999. Sample No. 74053–E.)

This product was insufficiently cooked since the soluble solid contents of the finished preserves was less than 68 percent.

On October 10, 1941, the United States attorney for the District of Connecticut filed a libel against 14 cases of strawberry preserve at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 5, 1941 by Krasne Bros. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars): "KayPak Pure Strawberry Preserve Contents 1 Pound."

The article was alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar which contained less soluble solids than required in the definition and standard of identity prescribed in the regulations promulgated for fruit preserves had been substituted wholly or in part for strawberry preserves as defined in such definition and standard.

The article was alleged to be misbranded (1) in that the name "Pure Strawberry Preserve" was false and misleading as applied to an article which was insufficiently concentrated; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard.

On October 1, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**4457. Adulteration and misbranding of jellies. U. S. v. 7 Cases, 10 Cases and 9 Cases of Jellies. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 8493. Sample Nos. 14122–F, 14125–F, 14126–F.)

On October 13, 1942, the United States attorney for the District of Nevada filed a libel against 26 cases, each containing 6 jars, of jellies at Las Vegas, Nev. alleging that the articles had been shipped in interstate commerce on or about July 19, 1942, by the Diamond-T Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. The articles were labeled in part: (Jars) "D'lite Brand Pure Currant [or "Grape" or "Plum"] Jelly net wgt. 8 lbs. 8 oz."

The articles were alleged to be adulterated in that imitation currant jelly, grape jelly, and plum jelly, deficient in fruit juices, had been substituted wholly or in part for currant jelly, grape jelly, and plum jelly.

They were alleged to be misbranded (1) in that the designations "Pure Currant Jelly," "Pure Grape Jelly," and "Pure Plum Jelly," borne on the labels were false and misleading when applied to products deficient in fruit juices; (2) in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the foods imitated; (3) in that they purported to be and were represented as foods for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law and they failed to conform to such definitions and standard since they had been made from mixtures containing less than 45 parts by weight of fruit juices to each 55 parts by weight of the specified saccharine ingredients provided in such definitions and standard of identity.

On November 7, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

**4458. Misbranding of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 7879. Sample No. 88195–E.)

On July 13, 1942, the United States attorney for the Northern District of Texas filed a libel against 24 cases, each containing 24 cans, of apple butter at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about February 28, 1942, by Kuner-Empson Co. from Brighton, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Empson's Apple Butter."

The article was alleged to be misbranded in that it purported and was represented to be a food for which a definition and standard of identity had been promulgated pursuant to law and it failed to conform to such definition and standard of identity since its soluble solids content was less than 43 percent and such regulation requires that the soluble solids content of apple butter be not less than 43 percent.

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently, on October 23, the order of destruction was changed to order the delivery of the article to charitable institutions.

**4459. Misbranding of apple butter. U. S. v. 37 Cases and 50 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8567. Sample Nos. 14224–F, 14225–F.)

This product was insufficiently concentrated and was short weight.

On October 22, 1942, the United States attorney for the District of Arizona filed a libel against 37 cases, each containing 24 2-pound cans, and 50 cases, each containing 6 No. 10 cans, of apple butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 6, 1942, by the Delta County Canning Co. from Delta, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Town Talk * * * Apple Butter * * * Packed for The Stone-Hall Co., Denver, Colo.," or "Town Talk Apple Butter * * * Special Hotel Pack."

The article was alleged to be misbranded (1) in that the name "Apple Butter" was false and misleading since it did not comply with the definition and standard of identity for apple butter prescribed by regulations promulgated pursuant to law; (2) in that the statements, "Contents 2 lbs," and "Net Contents 7 lbs. 3 oz.," were false and misleading as applied to an article that was short weight; (3) in that it was food in package form and its label failed to bear an accurate statement of the quantity of the contents; and (4) in that it purported to be and was represented as a food which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and it failed to conform to such definition and standard since it had not been concentrated by heat to such point that the soluble solids content of the finished product was not less than 43 percent as required by such regulations.

On November 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MEAT AND POULTRY

**4460. Adulteration of turkeys. U. S. v. Falls City Creamery Company. Plea of guilty. Fine of $50 plus costs.** (F. D. C. No. 7703. Sample No. 77139–E.)

On October 23, 1942, the United States attorney for the District of Nebraska filed an information against the Falls City Creamery Co., a corporation, at Falls City, Neb. charging shipment on or about May 28, 1942 from the State of Nebraska into the State of Pennsylvania of a quantity of turkeys that were adulerated in that they consisted in whole or in part of decomposed substances, and in that they were in whole or in part the product of diseased animals.

On November 6, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 and costs.

**4461. Adulteration of poultry. U. S. v. 102 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 8654. Sample No. 2333–F.)

On October 29, 1942, the United States attorney for the Northern District of Illinois filed a libel against 102 barrels of poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 2, 1942, by the H. & H. Poultry Co., Inc., from Selbyville, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Milk Fed Poultry Brooke Meadow."

On October 30, 1942, the H. & H. Poultry Co., the shipper, having disclaimed liability and having asserted that the condition of the product was the result of negligence of the railroad company, and having abandoned the product and no claim or answer having been filed, judgement of condemnation was entered and the product was ordered destroyed.

**4462. Adulteration of poultry. U. S. v. 34 Barrels of poultry. Default decree of condemnation. Product ordered sold on condition that it be disposed of in compliance with the law.** (F. D. C. No. 8416. Sample Nos. 94078–E, 5741–E.)

On September 23, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 34 barrels of poultry at St. Louis, Mo., alleging that the article had been transported in interstate commerce from the Seymour Packing Co., Topeka, Kans., on or about April 22, 1942; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was wholly or in part the product of diseased animals or of animals which had died otherwise than by slaughter. The article was labeled in part: "Packed by Seymour Packing Co. Topeka Kansas."

On November 5, 1942, no claimant having appeared, judgment of condemnation was entered and the marshal was ordered to sell the product to the highest bidder after having taken precautions to insure that it would not be disposed of in violation of the law. It was disposed of for fertilizer.

**4463. Adulteration of dressed poultry. U. S. v. 1,070 Boxes and 1,086 Boxes of Dressed Poultry. Decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 8867, 8868. Sample No. 10425–F.)

On November 13, 1942, the United States attorney for the Northern District of California filed a libel against 1,086 boxes of dressed poultry. On November 16, 1942, the libel was amended to include an additional 1,070 boxes of poultry. It was alleged in the amended libel that the article had been shipped in interstate commerce on or about September 16, 1942, by the Tennessee Egg Co. from Atlanta Ga., and that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Morning Glory Brand."

On November 28, 1942, the Jerpe Commission Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**4464. Adulteration of chickens. U. S. v. 2 Barrels of Dressed Chickens. Consent decree of condemnation and destruction.** (F. D. C. No. 9010. Sample No. 2341–F.)

On November 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 2 barrels of chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 16, 1942, from Granada, Minn., by Mrs. Harlan Gronewald; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 2, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4465. Adulteration of raw chicken fat. U. S. v. 3 Barrels and 4 Tubs of Raw Chicken Fat. Default decrees of condemnation and destruction. Product rendered into fat for war purposes.** (F. D. C. Nos. 8933, 8971, 8988, 8999, 9000. Sample Nos. 19602–F, 19604–F to 19606–F incl., 19608–F, 19609–F.)

Fecal matter, sections of intestines containing fecal matter, and other filth were found in samples of this product. Portions also were decomposed and putrid.

On November 27, December 5, 10, and 11, 1942, the United States attorney for the District of Massachusetts, filed libels against 3 barrels and 4 tubs containing a total of approximately 403 pounds of raw chicken fat at Boston, Mass., alleging that the article had been shipped in interstate commerce in the period from on or about November 18 to on or about December 1, 1942, by the First National Stores from Stamford and Danbury, Conn., White Plains, N. Y., Waterville, Maine, and Portsmouth, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that portions also consisted in whole or in part of a decomposed substance.

On December 4, 1942, and February 1, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. It was delivered by the marshal to a rendering plant for conversion into fats for war uses.

**4466. Adulteration of veal. U. S. v. 30,000 Pounds of Veal. Decree of condemnation. Product ordered released under bond for salvaging good portion.** (F. D. C. No. 8113. Sample No. 9134–F.)

Examination of this product showed that it was in part discolored, slimy, moldy, and rotten.

On or about August 18, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 30,000 pounds of veal at Biloxi, Miss. alleging that the article had been shipped in interstate commerce on or about August 3, 1942, by the Emmart Packing Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance and was otherwise unfit for food.

On September 29, 1942, the Emmart Packing Co., claimant, having admitted the allegations of the libel to the extent only that the meat was subject to condemnation at the time it was inspected at Biloxi, and having petitioned release of the product for salvaging as much as was possible for human consumption or for fats and oils, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration and the Bureau of Animal Industry. The product was salvaged by removing the outer layer of fat, bone, fascia, etc., and the good portion was manufactured into sausage.

## NUTS AND NUT PRODUCTS

**4467. Adulteration of Brazil nuts. U. S. v. 12,000 Pounds and 35,000 Pounds of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8847. Sample Nos. 18127–F, 18128–F.)

Examination of this product showed the presence of moldy, decomposed, and wormy nuts.

On November 10, 1942, the United States attorney for the Southern District of New York filed a libel against a total of 47,000 pounds of Brazil nuts at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 30, 1942, by B. Levy & Cia from Manaos, Brazil; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On November 30, 1942, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction of the latter under the supervision of the Food and Drug Administration.

**4468. Adulteration of Brazil nuts. U. S. v. 536 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation.** (F. D. C. No. 8849. Sample No. 18000–F.)

This product was in part moldy, rancid and decomposed.

On November 21, 1942, the United States attorney for the Eastern District of New York filed a libel against 536 100-pound bags of Brazil nuts at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 26, 1942, by I. J. Benzecry from Manaos, Brazil; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Holly Brand Large Washed Brazils."

On November 20, 1942, William A. Higgins & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction of the latter under the supervision of the Food and Drug Administration.

**4469. Adulteration of coconut. U. S. v. 48 Bags of Coconut. Default decree of condemnation and destruction.** (F. D. C. No. 8935. Sample No. 18746–F.)

This product contained mold, indicating the presence of decomposed material, and was rancid.

On December 2, 1942, the United States attorney for the Southern District of New York filed a libel against 48 75–pound bags of coconut at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by Peter Paul, Inc., from Naugatuck, Conn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Baker's Gem Coconut Medium Desiccated."

On December 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4470. Adulteration of pecans. U. S. v. 5 Bags of Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8977. Sample No. 28739–F.)

Examination of this product showed the presence of moldy, rancid, and shriveled nuts.

On December 8, 1942, the United States attorney for the Western District of North Carolina filed a libel against 5 90-pound bags of pecans at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about November 12, 1942, by J. B. Easterlin, Jr., from Montezuma, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Tag attached to bag) "Georgia Maid Brand Pecans."

On December 30, 1942, Biggers Bros. Inc., Charlotte, N. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**4471. Adulteration of shelled pecans. U. S. v. 9 Cartons of Shelled Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 8855. Sample No. 17999–F.)

Examination of this product showed the presence of rancid and decomposed nut meats.

On November 14, 1942, the United States attorney for the Southern District of New York filed a libel against 9 30-pound cartons of shelled pecans at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about March 9, 1942, by the R. E. Funsten Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Carton) "Funsten's Amber Shelled Pecan Halves."

On December 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4472. Adulteration of pecan pieces. U. S. v. Sam A. Pierce. Plea of guilty. Fine of $150 on each of the first 2 counts and 18 months probation without supervision on the third count of the information.** (F. D. C. No. 7299. Sample Nos. 70328–E, 70329–E, 86324–E, 86325–E.)

Samples of this product were found to contain fecal pollution, rodent and other hair fragments, insects and insect fragments, and miscellaneous foreign matter.

On August 27, 1942, the United States attorney for the Middle District of Georgia filed an information against Sam A. Pierce at Cairo, Ga., alleging shipment within the period from on or about December 16, 1941, to on or about February 26, 1942, from the State of Georgia into the States of Florida and Illinois of quantities of pecan pieces that were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On November 16, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $150 on each of the first 2 counts of the information and placed the defendant on probation for a period of 18 months without supervision on the third count.

**4473. Adulteration of walnut meats. U. S. v. 19 Barrels of Black Walnut Meats. Consent decree of condemnation. Product ordered released under bond for washing and cleaning.** (F. D. C. No. 7836. Sample No. 86575–E.)

This product was contaminated with fecal *Esch. coli.*

On July 2, 1942, the United States attorney for the Northern District of Illinois filed a libel against 19 barrels of black walnut meats at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 25, 1942, by the Sunset Nut Shelling Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sunset Brand Black Walnut Meats."

On December 16, 1942, the Sunset Nut Shelling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be washed and cleaned under the supervision of the Food and Drug Administration.

**4474. Adulteration of peanuts. U. S. v. 148 Bags of Shelled Spanish Peanuts. Decree of condemnation. Product ordered released under bond conditioned that it be disposed of for soap making.** (F. D. C. No. 7453. Sample No. 80510–E.)

On May 5, 1942, the United States attorney for the Southern District of Ohio filed a libel against 148 bags, each containing 125 pounds, of Spanish peanuts at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by the Southern Cotton Oil Co., from Cordele, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On November 28, 1942, P. S. Truesdell Co., Columbus, Ohio., having theretofore appeared as claimant and the court having entered an order releasing the product to the claimant to be manufactured into soap, judgment was entered condemning the product as unfit for human consumption.

**4475. Adulteration of peanuts. U. S. v. 35, 200, 175, and 69 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F D. C. Nos. 8261, 8262, 8263, 8279. Sample Nos. 12918–F, 12919–F, 13018–F, 13019–F.)

This product had been held, after shipment, at room temperature in storerooms in which large numbers of moths were present. When examined, live moths and larvae were present on all bags that were visible.

On August 26 and, 29, 1942, the United States attorney for the District of Oregon filed libels against 304 100-pound bags of peanuts and 175 125-pound bags of peanuts at Portland, Oreg., in possession of the General Grocery Co., alleging that the article had been shipped in interstate commerce within the period from on or about February 18 to on or about March 17, 1942, from Durant, Okla., Franklin, Va., and Cordele, Ga.; and charging that it was adulterated.

All lots were alleged to be adulterated in that they had been held under insanitary conditions whereby they might have become contaminated with filth. A portion (69 bags) was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On September 22, 1942, the cases having been consolidated and the General Grocery Co., Portland, Oreg., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

**4476. Adulteration of peanuts. U. S. v. 280 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for recleaning or conversion into peanut oil.** (F. D. C. No. 8548. Sample No. 1673–F.)

This product was insect-infested.

On October 9, 1942, the United States attorney for the Northern District of Illinois filed a libel against 280 100-pound bags of peanuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1942, by the Williamston Peanut Co. from Williamston, North Carolina; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Virginia Shelled Peanuts #2."

On November 10, 1942, the Williamston Peanut Co. Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging by cleaning or by conversion into peanut oil under the supervision of the Food and Drug Administration.

**4477. Adulteration of peanut butter. U. S. v. 392 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8874. Sample No. 508–F.)

This product contained insect parts and fragments, and sand.

On November 11, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 392 cases, each containing 24 jars, of peanut butter at Wauwatosa, Wis., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by the Millard-United Co., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jar) "3 Star Brand * * * Peanut Butter."

On December 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4478. Adulteration of peanut butter. U. S. v. 1,663 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8312. Sample No. 28242–F.)

This product was made from peanuts, some of which were insect-infested, others decomposed, and still others contaminated with rodent excreta.

On September 4, 1942, the United States attorney for the Northern District of Georgia, filed a libel against 1,663 cases, each containing 12 1-pound, 9-ounce jars, of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Dillon's Peanut Butter."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4479. Adulteration of peanut butter. U. S. v. 100 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 8506. Sample No. 4740–F.)

This product contained sand.

On October 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 100 cases, each containing 12 jars of peanut butter, at Dayton, Ohio, which had been consigned on or about August 15, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kenny's Norwood Peanut Butter."

On November 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## OLIVE OIL

**4480. Adulteration and misbranding of olive oil. U. S. v. Albert Maltese. Plea of guilty. Fine, $200 ($100 on each of 2 counts) and 3 months' jail sentence on each count to run concurrently.** (F. D. C. No. 7307. Sample No. 64681–E.)

On September 30, 1942, the United States attorney for the Eastern District of New York filed an information against Albert Maltese at Brooklyn, N. Y., alleging shipment in interstate commerce on or about January 15, 1942, from the State of New York into the State of Pennsylvania of a quantity of oil that was adulterated and misbranded. The article was labeled in part: (Can) "Net Contents One Gallon Roberta Brand Pure Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored, and containing little, if any, olive oil had been substituted wholly or in part for olive oil, which it was represented to be; (2) in that it was inferior to olive oil and its inferiority had been concealed by the addition of artificial flavoring and artificial coloring; (3) in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements, "Pure Olive Oil Imported from Lucca Toscana Italy," "Imported Pure Olive Oil This oil is guaranteed to be absolutely pure under chemical analysis," and similar statements in Italian together with the designs of gold medals, olive branches, and olives borne on the cans, were false and misleading since they represented and suggested that the article consisted of imported pure olive oil, whereas, it consisted essentially of cottonseed oil containing little, if any, olive oil; (2) in that it was offered for sale under the name of another food, namely, olive oil; (3) in that it was colored and flavored in imitation of olive oil and its label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (5) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient; and (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating those facts.

On December 12, 1942, a plea of guilty having been entered by the defendant, the court imposed total fines of $200, and also sentenced the defendant to 3 months imprisonment on each of the 2 counts of the information, the jail sentences to run concurrently.

**4481. Adulteration of olive oil. U. S. v. Michele Casinelli. Plea of guilty. Fine $100.** (F. D. C. No. 7711. Sample No. 89095–E.)

On December 14, 1942, the United States attorney for the Southern District of California filed an information against Michele Casinelli, trading and doing business as M. Casinelli, at San Bernardino, Calif., alleging shipment on or about February 18, 1942, from the State of California into the State of New York of a quantity of olive oil that was adulterated and misbranded. The article was described in the freight bill as "20 ctns. Olive Oil in tins."

The article was alleged to be adulterated in that a mixture of cottonseed oil and olive oil had been substituted wholly or in part for olive oil, which said article was represented to be.

The article was alleged to be misbranded (1) in that it consisted of a mixture of cottonseed oil and olive oil and was offered for sale under the name of another food, olive oil; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents in terms of measure; and (3) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

On December 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

**4482. Adulteration and misbranding of olive oil. U. S. v. 10 Cans of Olive Oil. Default decree of condemnation. Product ordered denatured and utilized for war purposes.** (F. D. C. No. 7609. Sample No. 64874–E.)

On June 5, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 10 cans of olive oil at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about April 10, 1942, by the Pennsylvania Macaroni Co., Inc., from Pittsburgh, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Very Best Virgin Olive Oil Savoy Brand."

It was alleged to be adulterated in that a mixture of olive oil and cottonseed oil had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Very Best Virgin Olive Oil Guaranteed Absolutely pure under chemical analysis. The fruit is prepared by experts to make the finest, purest olive oil," and similar statements in Italian and the designs of crown, shield, and olive branch in the labeling were false and misleading as applied to an article that was a mixture of olive oil and cottonseed oil; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name for each such ingredient.

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and sold for war purposes.

## VITAMIN PREPARATIONS

**4483. Adulteration and misbranding of vitamin tablets. U. S. v. Michael J. Walsh (Dietary Laboratories). Plea of nolo contendere. Fine, $150.** (F. D. C. No. 7693. Sample No. 80193–E.)

On October 8, 1942, the United States attorney for the Southern District of California filed an information against Michael J. Walsh, trading as Dietary Laboratories, at San Diego, Calif., alleging shipment on or about March 12, 1942, from the State of California into the State of Ohio of a quantity of vitamin tablets that were adulterated and misbranded. The article was labeled in part "Natural Vitamin B-Complex Tablets * * * Each Tablet Contains Not Less Than: 111 International Units Vitamin $B_1$."

The article was alleged to be adulterated in that a valuable constituent, vitamin $B_1$, had been in part omitted since it was represented to contain not less than 111 International units of vitamin $B_1$ per tablet and it contained not more than 55 U. S. P. units of vitamin $B_1$ per tablet, which is equivalent to not more than 55 International units of vitamin $B_1$ per tablet.

It was alleged to be misbranded in that the statement "Each Tablet Contains Not Less Than: 111 International Units Vitamin $B_1$" was false and misleading.

On November 18, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $100 on the first count and a fine of $50 on the second count.

**4484. Misbranding of Vita Water. U. S. v. 50 Bottles of Vita Water. Default decree of condemnation and destruction.** (F. D. C. No. 8400. Sample No. 15464–F.)

This product, in addition to being misbranded as indicated hereinafter, was polluted with coliform organisms, mold, and miscellaneous bacteria.

On September 24, 1942, the United States attorney for the District of New Mexico filed a libel against 50 bottles, each containing 5 gallons, of Vita water at Hobbs, N. M., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the Vita Water Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be misbranded: (1) In that the following statements "Protect your Baby's Teeth and Your Health * * * Every Bottle Sterilized * * * Vita Water * * * Free of Flourine * * *," were false and misleading since they represented and suggested that the article would be efficacious in protecting the baby's teeth and one's own health; that every bottle was sterilized; that it was a natural water and was free of fluorine, whereas it would not be efficacious for the purposes recommended; every bottle was not sterilized; it was an artificial water and it contained fluorine. (2) In that it was in package form and its label did not bear a statement of the quantity of the contents. (3) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient since the label did not name the specific minerals added.

On October 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4485. Adulteration of wheat germ middlings. U. S. v. 446 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed.** (F. D. C. No. 8396. Sample No. 4217–F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 446 100-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 14, 1942, by the Sunset Feed & Grain Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Maple Leaf Milling Co. Wheat Germ Middlings * * * Toronto Canada Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.

**4486. Adulteration of wheat germ middlings. U. S. v. 500 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed.** (F. D. C. No. 8296. Sample No. 4216–F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 500 99¾-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Robin Hood Flour Mills from Moose Jaw, Canada; and charging that it as adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Superior Wheat Germ Middlings Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.

**4487. Adulteration of wheat germ. U. S. v. 60 Bags of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 8171. Sample No. 17945–F.)

This product was insect-infested.

On August 20, 1942, the United States attorney for the Southern District of New York filed a libel against 60 bags, each bag containing 100 pounds, of wheat germ at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1942, by Freshman Vitamin Co. from Wooster, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. On September 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4488. Adulteration of wheat germ. U. S. v. 161 Cases and 45 Cases of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 8399. Sample No. 16874–F.)

On September 24, 1942, the United States attorney for the Southern District of New York filed a libel against 161 cases, each containing 12 ½-pound cans, and 45 cases, each containing 12 1-pound cans, of wheat germ at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Battle Creek Food Co. from Battle Creek, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Battle Creek Wheat Germ."

Examination of samples of the article showed that it contained less than 300 U.S.P. units of vitamin $B_1$ per ounce.

It was alleged to be misbranded (1) in that the following statement on the label, "One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U.S.P. units of vitamin $B_1$ (Thiamin), (1½ times the minimum daily requirement for an adult)," was false and misleading since it contained less than 500 U.S.P. units of vitamin $B_1$ per ounce; (2) in that the following statements, "Wheat Germ fills a much-needed place in the modern diet which is apt to be deficient in Thiamin (vitamin $B_1$) and Riboflavin (vitamin G). Vitamin $B_1$ tends to make steady nerves, improves appetite, aids digestion and combats constitpation. Vitamin G promotes good nutrition; both vitamins help to build vital resistance. Battle Creek Wheat Germ presents a * * * economical source of these important vitamins. One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U.S.P. units of vitamin $B_1$ (Thiamin), (1½ times the minimum daily requirement for an adult)," were misleading since they represented and suggested that adequate amounts of vitamin $B_1$ and riboflavin are not supplied by the ordinary diet and that the use of the article would promote steady nerves, improve the appetite, aid digestion, combat constipation, promote good nutrition, and build vital resistance, whereas vitamin $B_1$ and riboflavin are present in a wide variety of ordinary foods and are present in many ordinary diets in adequate amounts, and the use of the article would not correct nor promote the conditions mentioned; and (3) in that it purported to be a food for special dietary use by reason of the presence of riboflavin and vitamin $B_1$ and other vitamins and its label failed to name, as required by regulations promulgated pursuant to law, the special dietary properties other than riboflavin and vitamin $B_1$, upon which such use was based, and its label failed to bear a statement of the quantity of such vitamins, other than riboflavin and vitamin $B_1$, supplied by the article, as required by such regulations.

The article was also charged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS FOOD PRODUCTS

**4489. Misbranding of Mrs. Price's compound and Mrs. Price's special prepared boric acid. U. S. v. 89 Packages of Mrs. Price's Compound and 92 Packages of Mrs. Price's Special Prepared Boric Acid. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8411, 8974. Sample Nos. 22616–F, 24720–F.)

The former of these products consisted of about 95½ percent of boric acid and 4½ percent of sodium chloride; the latter was boric acid.

On September 23 and December 11, 1942, the United States attorneys for the District of Maryland and the Middle District of Pennsylvania filed libels against

the above-named products, the former at Baltimore, Md., and the latter at Harrisburg, Pa., alleging that the articles had been shipped in interstate commerce on or about September 5 and 16, 1942, by the Price Compound Co. from Minneapolis, Minn., and charging that they were misbranded. The products were contained in envelopes, 12 envelopes in each package. Each package also contained a booklet entitled "Mrs. Price's Complete directions for Canning Vegetables and Fruit, Pickling, etc."

The articles were alleged to be misbranded (1) in that certain statements in the labeling were misleading since when read in their entirety they represented and suggested and created in the mind of the reader the impression and belief that boric acid, which the labeling directed to be used in the canning of vegetables, fruits, and pickles, may be safely used, whereas such use would be potentially dangerous to the health of the consumer, and the labeling failed to reveal facts material with respect to the consequences which might result from the use of the article under the conditions of use prescribed in the labeling; (2) in that the statement "Heating has destroyed these germs in the contents of the can," appearing in the labeling was false and misleading since the instructions for canning throughout the labeling of the articles required no heating above the boiling point of water, and such heating is not sufficient to destroy all spoilage bacteria; (3) in that the statement, "In home canning only 212 degrees of heat can be produced," appearing in the labeling was false and misleading since pressure cookers are available to provide higher temperatures; (4) in that certain statements under the heading "A few facts about preservatives" in the labeling were misleading in that they failed to reveal the fact that statements therein accredited to Professor Long were made many years ago before knowledge of resistance to clostridium botulinus and the dangers from it in canning had been acquired; (5) in that the statements in the labeling, (Mrs. Price's Compound) "Notice to Purchasers. It is not claimed for this compound that it contains anything of food value, but it is an antiseptic preparation, and among its many uses may be employed to prevent canned fruits and vegetables from souring and spoiling. This package contains specially prepared and tested Sodium Chloride, Boric Acid," (Mrs. Price's Special Prepared Boric Acid) "Notice to Purchasers. It is not claimed that there is anything of food value in the contents of this package but it is an antiseptic preparation," were misleading since they failed to reveal the consequences which might result from the use of the articles under the conditions of use prescribed in the labeling, namely, that the processing recommended might fail to effect proper sterilization and thereby result in danger to health, and also that the amount of boric acid recommended to be added to various canned products was such as might render such products deleterious to health. The compound was alleged to be misbranded further in that the common or usual name of each ingredient of the article required by law to appear in the labeling was not placed prominently thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since the names of the ingredients of the article appeared in an inconspicuous position on the flap of the envelope.

The boric acid was also alleged to be misbranded under the provisions of the law applicable to drugs reported in notices of judgment on drugs and devices.

On October 26, 1942, and February 12, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4490. Adulteration and misbranding of fruit beverage bases. U. S. v. 199 Bottles of Sunshine Health Drinks. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 7944. Sample Nos. 94243–E to 94248–E, incl.)

On July 25, 1942, the United States attorney for the Western District of Missouri filed a libel against 199 gallon-bottles of Sunshine Health Drinks at Jefferson City, Mo., alleging that the article had been shipped in interstate commerce on or about April 20 and May 6, 1942, by the Orange Products Corp. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sunshine Health Drinks * * * Pineapple Orange [or "Grape Juice," "Orange," "Pineapple," "Fruit Punch," or "Grapefruit"] Concentrate."

The pineapple orange, orange, and fruit punch flavors were alleged to be adulterated (1) in that inferiority had been concealed through the use of artificial color, added orange pulp, and phosphoric acid, and (2) in that artificial color,

orange pulp, and phosphoric acid had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were. The grape juice was alleged to be adulterated (1) in that inferiority had been concealed through the use of artificial color, and (2) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The pineapple orange, orange, and orange fruit punch flavors were alleged to be misbranded (1) in that the statement on the streamer label "Health Drinks Rich in Natural Vitamins" was false and misleading since the articles were not rich in vitamins because the amounts of vitamin C found were substantially less than the amounts found in orange and grapefruit juices; (2) in that the statements appearing in the labeling "Health Drinks * * * Pineapple Orange Concentrate Health Drink," "Orange Concentrate Health Drink," "Fruit Punch Concentrate Health Drink," were false and misleading as applied to articles that were fruit-flavored sirups imitating fruit-juice concentrates; (3) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since phosphoric acid was not declared; and (5) in that they contained artificial coloring and failed to bear labeling stating that fact. The grape juice was alleged to be misbranded (1) in that the statements, (streamer) "Health Drinks" and (bottle) "Health Drinks * * * Grape Juice Concentrate Health Drinks," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins; and (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The pineapple flavor was alleged to be misbranded in that the statements (streamer) "Health Drinks" and (bottle) "Health Drinks * * * Pineapple Concentrate Health Drink," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins. The grapefruit flavor was alleged to be misbranded (1) in that the statements, (streamer) "Health Drinks Rich in Natural Vitamins" and (bottle) "Health Drinks * * * Grapefruit Concentrate Health Drink," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since its pulp was not declared.

On October 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**4491. Adulteration of almond paste, date jam, doughnut sugar, apricot glace, fondant icing, and red raspberry puree. U. S. v. Wood & Selick Co. and Harold E. Selick. Pleas of guilty. Defendant corporation fined $3,000. Imposition of sentence was suspended with respect to Harold E. Selick.** (F. D. C. No. 6493. Sample Nos. 58166–E, 74047–E, 74056–E, 74493–E, 74495–E, 74496–E.)

Filth, such as rodent and other hairs, feather barbules, splinters, and worm and insect fragments, were found in samples taken from these products.

On June 30, 1942, the United States attorney for the Southern District of New York filed an information against Wood & Selick Co., a corporation trading at New York, N. Y., and Harold E. Selick, alleging shipment within the period from on or about September 2 to on or about September 11, 1941, from the State of New York into the States of Minnesota, Connecticut, and New Jersey of quantities of the above-named products which were adulterated in that they consisted in whole or in part of filthy substances.

The articles were labeled in part: "Favorite Almond Paste," etc.

On July 21, 1942, pleas of guilty having been entered, the court fined the defendant corporation $500 on each of the 6 counts, a total of $3,000. Imposition of sentence was suspended with respect to Harold E. Selick.

**4492. Adulteration of blueberry filling. U. S. v. 10 Pails of Blueberry Filling. Default decree of condemnation and destruction.** (F. D. C. No. 8191. Sample No. 17143–F.)

Examination of this product showed the presence of insect infested blueberries.

On August 21, 1942, the United States attorney for the District of New Jersey filed a libel against 10 wooden pails, each containing 30 pounds, of blueberry

filling at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about August 10, 1942, by R. Spangenthal Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Pail) "Governor Brand * * * Blueberry Filling."

On December 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4493. Adulteration of spices. U. S. v. 23 Cases of Black Pepper, 11 Cases of Turmeric, 5 Cases of Chili Powder, and 9 Cases of Cloves. Default decree of condemnation and destruction.** (F. D. C. No. 8418. Sample Nos. 12922–F to 12925–F, incl.)

These products contained rodent hair fragments and insect fragments.

On October 1, 1942, the United States attorney for the District of Idaho filed a libel against 48 cases, each containing 12 cans, of spices at Moscow, Idaho, alleging that the articles had been shipped in interstate commerce on or about August 21, 1942, by Mason, Ehrman & Co. of Lewiston, Idaho, from Portland, Oreg.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Royal Club Black Pepper [or "Turmeric," "Chili Powder," or "Cloves"]."

On November 17, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**4494. Adulteration of ground mace. U. S. v. 2,010 Cans of Ground Mace. Default decree of condemnation and destruction.** (F. D. C. No. 8419. Sample No. 28903–F.)

This product contained weevils, larvae, miscellaneous insect fragments, rodent hair fragments, other hairs, feather barbs, and sand.

On October 26, 1942, the United States attorney for the Northern District of Georgia filed a libel against 2,010 cans, each can containing 4 ounces, of ground mace at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about September 5, 1942, by the New Orleans Import Co., Ltd., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Can) "Rex Spices * * * Finest Ground Mace."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4495. Adulteration of Thousand Island dressing. U. S. v. 15 Cases of Thousand Island Dressing. Default decree of condemnation and destruction.** (F. D. C. No. 7875. Sample No. 81940–E.)

This product contained hairs similar to rodent hairs.

On July 10, 1942, the United States attorney for the District of Idaho filed a libel against 15 cases, each containing 24 8–ounce bottles, of Thousand Island dressing at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about June 3, 1942, by Martin Brothers Co. from Denver, Colo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Bluehill Denotes Quality Thousand Island Dressing."

On August 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4496. Adulteration of grape pomace. U. S. v. 616 Bags of Grape Pomace. Default decree of condemnation and destruction.** (F. D. C. No. 8042. Sample No. 14303–F.)

This product contained rodent pellets, rodent hairs, and insect fragments.

On August 1, 1942, the United States attorney for the Southern District of California filed a libel against 616 bags, containing a total of approximately 36,000 pounds, of grape pomace at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 3, 1942, by Widmer's Wine Cellars, Inc., from Naples, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4497. Misbranding of peanut butter and mustard and bran. U. S. v. Dee's Foods, Inc. Plea of guilty. Fine, $200.** (F. D. C. No. 7681. Sample Nos. 79686–E, 79688–E, 87958–E.)

On November 9, 1942, the United States attorney for the Western District of Virginia filed an information against Dee's Foods, Inc., a corporation, Bristol, Va., alleging shipment within the period from on or about February 11 to on or about March 16, 1942, from the State of Virginia into the States of Kentucky and Tennessee of quantities of peanut butter and mustard and bran that were misbranded. The articles were labeled in part: "Dee's Peanut Butter * * * Contents 1 Lb. 8 Ozs.," "Contents 2 Pounds Dee's Energized Mustard & Bran," or "Four Star * * * Mustard and Mustard Bran Contents 32 Ozs. Net Wt."

The articles were alleged to be misbranded in that the statements, (peanut butter) "Content 1 Lb. 8 Ozs," and (mustard and bran) "Contents 2 Pounds," or "Contents 32 Ozs Net Wt.," borne on the labels, were false and misleading since the jars of peanut butter contained less than 1 pound 8 ounces, and the jars of mustard and bran contained less than 2 pounds or 32 ounces. The articles were alleged to be misbranded further in that they were in package form and the labels did not bear an accurate statement of the quantity of the contents in terms of weight.

On November 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

**4498. Adulteration of peanut butter, misbranding of pickled pears, and adulteration and misbranding of pickled grapefruit rind and fruit preserves. U. S. v. Golden West Products Co., Inc. Plea of nolo contendere. Fine $100 on count 1. Imposition of sentence suspended for 1 year on remaining counts.** (F. D. C. No. 7724. Sample Nos. 72181–E to 72186–E, incl., 80604–E, 86747–E, 92072–E, 92073–E.)

Samples of the peanut butter, pickled grapefruit rind, and preserves were found to contain various types of filth such as rodent excreta pellets, rodent and unidentified hairs, and worm and insect fragments. The labels of the grapefruit rind and the pickled pears did not bear a statement on the quantity of the contents, and portions of the fruit preserves were deficient in fruit.

On November 20, 1942, the United States attorney for the Southern District of California filed an information against the Golden West Products Co., Inc., Los Angeles, Calif., alleging shipment within the period from on or about February 28 to on or about March 18, 1942, from the State of California into the States of Arizona, Illinois, and Ohio of quantities of the above-named products which were adulterated and/or misbranded. The articles were labeled in part: "Golden West Brand Pure Peanut Butter"; "Monarch Double Sweet Grapefruit Rind * * * Reid Murdoch & Co. * * * Distributors Chicago, Ill."; "Golden West Brand Sun Ripened Sweet Pickled Pears"; "Golden West Bonnie Brae Brand Pure Strawberry [or "Black Raspberry," "Blackberry," "Boysenberry," or "Youngberry"] Preserves."

The peanut butter, grapefruit rind, and preserves were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

Portions of the preserves were alleged to be adulterated further in that imitation black raspberry, blackberry, boysenberry, and youngberry preserves, deficient in fruit, had been substituted in whole or in part for black raspberry, blackberry, boysenberry, and youngberry preserves, which they were represented to be.

Portions of the preserves were alleged to be misbranded (1) in that the statements, "Black Raspberry Preserves," "Blackberry Preserves," "Boysenberry Preserves," and "Youngberry Preserves," were false and misleading when applied to imitation preserves deficient in fruit; (2) in that they were imitations of other foods and their labels did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the names of the foods imitated; (3) in that they purported to be and were represented as black raspberry, blackberry, boysenberry, and youngberry preserves, articles of food for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law, but they failed to conform to such definitions and standards of identity since they had not been made from mixtures containing not less than 45 parts by weight of one of the various fruit ingredients specified in the said regulations to each 55 parts by weight of one of the optional saccharine ingredients as required by the regulations.

The grapefruit rind and the pickeled pears were alleged to be misbranded in that they were foods in package form and their labels failed to bear accurate statements of the quantity of the contents.

On December 17, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on count 1 and suspended imposition of sentence for 1 year on counts 2 to 7 inclusive.

**4499. Adulteration and misbranding of pea soup. U. S. v. 11 Cases and 9 Cases of Pea Soup. Default decree of condemnation and destruction.** (F. D. C. No. 8375, 8376. Sample Nos. 19435–F, 19801–F.)

This product was in part underprocessed and decomposed. In 1 lot the cans were on an average 10.2 percent short in volume.

On September 17 and 18, 1942, the United States attorneys for the District of Rhode Island and Massachusetts filed libels against 20 cases, each containing 24 cans, of pea soup at Providence, R. I., and Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about September 2 and 15, 1941 by the Gauthier Canning Co. from Rumford, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Canada Brand French Canadian Style Pea Soup."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The 11-case lot at Worcester was also alleged to be misbranded in that the statement in the labeling "Contents 1 Pint 11 Fl. Oz." was false and misleading as applied to an article that was short volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On October 19 and December 14, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4500. Adulteration and misbranding of pea soup. U. S. v. 94 Cases, 36 Cases, 29 Cases, and 12 Cases of Pea Soup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7791, 8441, 8451, 8452. Sample Nos. 90900–E, 19649–F, 19650–F, 19651–F.)

This product was underprocessed and in part decomposed. A portion was also short volume.

On July 13, September 28 and 30, 1942, the United States attorneys for the Districts of Rhode Island and Massachusetts filed libels against 36 cases, each case containing 24 cans, of pea soup at Boston, Mass., 29 cases at Salem, Mass., 12 cases at Lawrence, Mass., and 94 cases at Providene, R. I., alleging that the article had been shipped in interstate commerce on or about October 13, 28, 29, and 31, 1941, by the Southern Canning Co., from Rumford, Maine; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Canada Brand French Canadian Style Pea Soup * * * Packed by Gauthier Canning Co. Rumford, Me."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The portion located at Boston, Mass., was also alleged to be misbranded in that it was in package form and failed to bear labels containing an accurate statement of the quantity of the contents since the statement "Contents 1 Pint 11 Fl. Oz." was incorrect.

On October 1 and December 14, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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